S. Hrg. 98-1244

COLORADO WILDERNESS ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 2032

A BILL TO DESIGNATE CERTAIN ADDITIONAL NATIONAL FOREST LANDS IN THE STATE OF COLORADO AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

S. 2916

A BILL TO DESIGNATE CERTAIN ADDITIONAL NATIONAL FOREST LANDS AND NATIONAL PARK LANDS IN THE STATE OF COLORADO AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM AND FOR OTHER PURPOSES

H.R. 5426

AN ACT TO DESIGNATE CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE STATE OF COLORADO FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM, AND FOR OTHER PURPOSES

SEPTEMBER 18, 1984

Printed for the use of the Committee on Energy and
Natural Resources

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COLORADO WILDERNESS ACT

TUESDAY, SEPTEMBER 18, 1984

U.S. Senate,
Subcommittee on Public Lands and Reserved Water,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:33 a.m., in room SD-366, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop and Hecht.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator **Wallop**. Good morning. The Subcommittee on Public Lands and Reserved Water will hear testimony this morning on three bills—S. 2032, S. 2916, and H.R. 5426—to designate certain National Forest System and National Park System lands in the State of Colorado for inclusion in the National Wilderness Preservation System, and without objection, I will place a copy of each bill in the hearing record.

I would note that this is the second time in 4 years that this committee and the Congress, have addressed the issue of wilderness in Colorado. In 1980 we passed and the President signed Public Law 96-560 which designated wilderness in certain States, including Colorado.

With particular respect to Colorado, that act designated some 1.3 million acres of wilderness, and in addition designated several wilderness study areas and directed the Secretary of Agriculture to submit a wilderness suitability report to Congress within 3 years.

It also left a number of RARE II areas in further planning. The mandated studies have been completed and we are ready to take another look.

I hope we can move this legislation and put the wilderness question in Colorado to bed. It is time to round out our National Wilderness Preservation System in Colorado, and to give the Forest Service the latitude to move forward with the land management planning processes required by the National Forest Management Act on those lands not designated as wilderness.

Senator Armstrong and Senator Hart, sponsors of two of the bills that we will be discussing, will be with us today at different times, and I welcome their participation throughout the hearing or as much as their schedule will permit. There may be other Congressmen appearing to testify, and if so, due to their schedules, they will be heard as they appear. I ask the indulgence of other witnesses if it becomes necessary to interrupt or change the order of testimony to accommodate members.

As you can see, we have a rather long witness list. While we are pleased to see such a large turnout and the obvious interest in the Colorado wilderness legislation, I am certain that you can appreciate the need to limit oral testimony to 3 minutes. We will be using a timer, and in fairness to all who wish to testify, I will enforce the limit.

I would ask that the audience withhold applause and comments as it does cut into the witnesses' already limited time.

It is also the case that everyone's entire statement will be in the record as if it had been delivered. If you hear points that you are planning to raise addressed by an earlier witness, please make an effort not to repeat them. It is very important that to the extent possible that we avoid repetition, but to add your thoughts to those that are in your written statement.

Complete written statements of everyone, as I stated, will be in the hearing record and any additional maps, material, descriptive material that witnesses may wish to provide will be retained in the subcommittee files, so it will be available to us and to the staff.

The hearing record will remain open for 2 weeks after today, and you can submit a copy of testimony, and it is invited, to the subcommittee's office here in Washington.

Now I have word from Senator Armstrong's office that his airplane is delayed and he will be here at 11, and I do not see Senator Hart. At the time he comes in we will ask him to come to the table.

[The texts of S. 2032, S. 2916, and H.R. 5426 follow:]

II

98TH CONGRESS
1ST SESSION

S. 2032

To designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 1983

Mr. HART introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado National Forest Wilderness Act of 1983".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 892), and subject to the provisions of the Colorado Wilderness Act of 1980 (94 Stat. 3265), except as provided specifically in this Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) the Service Creek Wilderness Area, consisting of approximately fifty thousand five hundred and forty acres in the Routt National Forest, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated November 1983;

(2) the Buffalo Peaks Wilderness Area, consisting of approximately fifty-seven thousand four hundred and thirty acres in the Pike-San Isabel National Forests, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated November 1983;

(3) the Cannibal Plateau Wilderness Area, consisting of approximately sixty-three thousand seven hundred acres in the Uncompaghre National Forest, as generally depicted on a map entitled "Cannibal Plateau Wilderness Proposal", dated November 1983;

(4) certain lands adjacent to the Mount Zirkel Wilderness Area, consisting of approximately twenty-two thousand three hundred and forty acres in the Routt National Forest, as generally depicted on a map entitled "Davis Peak Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness Area as designated by Public Law 88–577;

(5) the Fossil Ridge Wilderness Area, consisting of approximately fifty-five thousand five hundred and sixty acres in the Gunnison National Forest, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated November 1983;

(6) the Greenhorn Mountain Wilderness Area, consisting of approximately twenty-two thousand three hundred and sixty acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated November 1983;

(7) certain lands adjacent to the Lost Creek Wilderness Area, consisting of approximately eleven thousand acres in the Pike National Forest, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness Area as designated by Public Law 96-560;

(8) certain lands adjacent to the Raggeds Wilderness Area, consisting of five thousand five hundred acres in the Grand Mesa National Forest, as generally depicted on a map entitled "Oh Be Joyful Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the

Raggeds Wilderness Area as designated by Public Law 96–560;

(9) the Piedra Wilderness Area, consisting of approximately forty-nine thousand one hundred and eighty acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Proposal", dated November 1983;

(10) the St. Louis Peak Wilderness Area, consisting of approximately thirteen thousand acres in the Arapahoe National Forest, as generally depicted on a map entitled "St. Louis Peak Wilderness Proposal", dated November 1983;

(11) the Vasquez Peak Wilderness Area, consisting of approximately thirteen thousand acres in the Arapahoe National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated November 1983;

(12) the Sangre de Cristo Wilderness Area, consisting of approximately two hundred and forty-eight thousand acres in the San Isabel National Forest, as generally depicted on a map entitled "Sangre de Cristo Wilderness Proposal", dated November 1983;

(13) certain lands adjacent to the South San Juan Wilderness Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan Na-

tional Forest, as generally depicted on a map entitled "South San Juan Wilderness Expansion Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness Area as designated by Public Law 96-560;

(14) the Spanish Peaks Wilderness Area, consisting of approximately nineteen thousand two hundred and fifty acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Proposal", dated November 1983;

(15) certain lands adjacent to the Hunter-Fryingpan Wilderness Area, consisting of approximately eight thousand acres in the White River National Forest, as generally depicted on a map entitled "Spruce Creek Wilderness Proposal", dated November 1983, which are incorporated in and shall be deemed to be a part of the Hunter-Fryingpan Wilderness Area as designated by Public Law 95-237;

(16) certain lands adjacent to and near the Weminuche Wilderness Area, consisting of approximately thirty-three thousand acres in the San Juan National Forest, as generally depicted on a map entitled "West Needless and Weminuche Wilderness Expansion Proposal", dated November 1983, which are incorporated

in and shall be deemed to be a part of the Weminuche Wilderness Area as designated by Public Law 93-632;

(17) the Wheeler Geologic Wilderness Area, consisting of approximately twenty-nine thousand three hundred and fifty acres in the Rio Grande National Forest, as generally depicted on a map entitled "Wheeler Geologic Wilderness Proposal", dated November 1983; and

(18) certain lands adjacent to the Big Blue Wilderness Area, consisting of approximately one thousand five hundred and five acres in the Bureau of Land Management Gunnison Basin Resource Area, as generally depicted on a map entitled "American Flats Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness Area as designated by Public Law 96-560.

(b) The lands depicted on the map referred to in subsection (a)(18) which are within the jurisdiction of the Secretary of the Interior and managed through the Bureau of Land Management are hereby transferred to the Secretary of Agriculture and incorporated in and deemed to be a part of the Uncompahgre National Forest.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in

Subsection (a) and legal descriptions of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, U.S. House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as Wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 3. Subject to valid existing rights, the Williams Fork Further Planning Area, Arapaho National Forest, shall be managed by the Secretary of Agriculture to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Pro-*

vided, That no right, or claim of right, to the diversion and use of water from such area by the Board of Water Commissioners of the City and County of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

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II

98TH CONGRESS
2D SESSION

S. 2916

To designate certain additional national forest lands and national park lands in the State of Colorado as components of the National Wilderness Preservation System and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 8 (legislative day, AUGUST 6), 1984

Mr. ARMSTRONG introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate certain additional national forest lands and national park lands in the State of Colorado as components of the National Wilderness Preservation System and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado Wilderness Act of 1984".

SEC. 1. As used in this Act, the term "the Act of 1980" means the Act of December 22, 1980 (Public Law 96-560, 94 Stat. 3265 et seq.).

SEC. 2. Section 102(a) of the Act of 1980 is amended by inserting the following new subparagraphs:

"(21) certain lands in the Pike and San Isabel National Forests, Colorado, which comprise approximately thirty-six thousand and sixty acres, as generally depicted on a map entitled 'Buffalo Peaks Wilderness Proposal', dated August 1, 1984 and which shall be known as the Buffalo Peaks Wilderness Area;

"(22) certain lands in the San Isabel National Forest, Colorado, which comprise approximately twenty-one thousand one hundred acres, as generally depicted on a map entitled 'Greenhorn Mountain Wilderness Proposal', dated August 1, 1984 and which shall be known as the Greenhorn Mountain Wilderness Area;

"(23) certain lands in the San Juan National Forest, Colorado, which comprise approximately forty-one thousand five hundred acres, as depicted on a map entitled 'Piedra Wilderness Proposal', dated August 1, 1984 and which shall be known as the Piedra Wilderness Area;

"(24) certain lands in the San Isabel and Rio Grand National Forests, Colorado, which comprise approximately one hundred ninety thousand five hundred acres, as generally depicted on a map entitled 'Sangre de Cristo Wilderness Proposal', dated August 1, 1984 and which shall be known as the Sangre de Cristo Wilderness Area.

"(25) certain lands in the Arapaho and Roosevelt National Forests, Colorado, which comprise approximately twelve thousand four hundred acres, as depicted on a map entitled 'Vasquez Peak Wilderness Proposal', dated August 1, 1984 and which shall be known as the Vasquez Peak Wilderness Area;

"(26) certain lands in the San Juan National Forest, Colorado and the San Juan Resource Area, Colorado, which comprise approximately twenty thousand six hundred and ninety acres, as depicted on a map entitled 'West Needles Wiiderness Proposal and Weminuche Additions', dated August 1, 1984 and which shall be known as the West Needles Wilderness Area: *Provided, however,* That the Forest Service is directed to seek an exchange with the State of Colorado for the school land section of six hundred and forty acres located within the wilderness area;

"(27) certain lands in the Gunnison National Forest, Colorado, and in the Bureau of Land Management Powderhorn Primitive Area, Colorado, which comprise approximately fifty-six thousand nine hundred and eleven acres, as generally depicted on a map entitled 'Powderhorn/Cannibal Plateau Wilderness Proposal', dated August 1, 1984, and which shall be known as the Powderhorn Wilderness Area: *Provided, however,* That the respective jurisdictions over management of the areas are not altered by this designation as wilderness and that the previous classification of the Powderhorn Primitive Area is hereby abolished;

"(28) certain lands in the Routt National Forest, Colorado, which comprise approximately thirty-nine thousand eight hundred and sixty acres, as depicted on a map entitled 'Service Creek Wilderness Proposal', dated August 1, 1984 and which shall be known as the Service Creek Wilderness Area;

"(29) certain lands in the Routt National Forest, Colorado, which comprise approximately eight thousand one hundred acres, as depicted on a map entitled 'Davis Peak addition to Mount Zirkel Wilderness Proposal', dated August 1, 1984 and which shall be incorporated into the Mount Zirkel Wilderness Area;

"(30) certain lands in the White River National Forest, Colorado, which comprise approximately eight thousand acres, as depicted on a map entitled 'Spruce Creek addition to the Hunter-Fryingpan Wilderness Proposal', dated August 1, 1984 and which shall be incorporated into the Hunter-Fryingpan Wilderness Area.

"(31) certain lands in the San Juan National Forest, Colorado, which comprise approximately eight thousand and ten acres, as depicted on a map entitled 'West Needles Wilderness Proposal and Weminuche Additions', dated August 1, 1984 and which shall be incorporated into the Weminuche Wilderness Area;".

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131), the following lands located in national parks and monuments in the States of Colorado and Utah are hereby designated as wilderness, and therefore as components of the National Wilderness Preservation System:

(1) certain lands in Rocky Mountain National Park, which comprise approximately eighty-one thousand three hundred and twenty acres as generally depcited on a map entitled "Wilderness Plan, Rocky Mountain National Park, Colorado", dated August 1, 1984 and shall be known as the Mummy Range Wilderness;

(2) certain lands in Rocky Mountain National Park, which comprise approximately nine thousand six hundred and twenty acres as generally depicted on a map entitled "Wilderness Plan, Rocky Mountain National Park, Colorado", dated August 1, 1984 and

which are hereby incorporated in, and made a part of, the Never Summer Wilderness.

(3) certain lands in Rocky Mountain National Park, which comprise approximately four thousand three hundred acres as generally depicted on a map entitled "Wilderness Plan, Rocky Mountain National Park, Colorado", dated August 1, 1984 and shall be known as the Trail Ridge Wilderness;

(4) certain lands in Rocky Mountain National Park, which comprise approximately one hundred and forty thousand four hundred and twenty-eight acres and potential wilderness additions comprising approximately fourteen acres as generally depicted on a map entitled "Wilderness Plan, Rocky Mountain National Park, Colorado", dated August 1, 1984 and shall be known as the Enos Mills Wilderness;

(5) certain lands in Colorado National Monument, which comprise approximately ten thousand two hundred and thirty-seven acres as generally depicted on a map entitled "Wilderness Plan, Colorado National Monument, Colorado", dated August 1, 1984 and shall be known as the Monument Mesa Wilderness;

(6) certain lands in Colorado National Monument, which comprise approximately three thousand six hundred and five acres as generally depicted on a map en-

titled "Wilderness Plan, Colorado National Monument, Colorado", dated August 1, 1984 and shall be known as the No Thoroughfare Canyon Wilderness;

(7) certain lands in Dinosaur National Monument, which comprise approximately one hundred and sixty thousand, six hundred and thirty-five acres and potential wilderness additions comprising approximately two thousand four hundred and seventy-three acres as generally depicted on a map entitled "Dinosaur National Monument", dated August 1, 1984 and shall be known as the Green Yampa Wilderness;

(8) certain lands in Dinosaur National Monument, which comprise approximately twenty-five thousand four hundred and seventy-nine acres and potential wilderness additions comprising approximately eight hundred and eighty-three acres as generally depicted on a map entitled "Dinosaur National Monument", dated August 1, 1984 and shall be known as the Blue Mountain Wilderness.

(b) That portion of the Indian Peaks Wilderness transferred to Rocky Mountain National Park by section 111(a) of Public Law 96-560 shall be made a part of the Enos Mills Wilderness as established by subsection (a)(4).

(c) That portion of the Never Summer Wilderness located in the Arapaho National Forest that was designated wilderness in Public Law 96-560 will continue to be managed by the United States Forest Service: *Provided, however,* That the portion of such wilderness within Rocky Mountain National Park designated by subsection (a)(2) shall be administered by the United States Park Service. Nothing in this Act shall prevent the two agencies from coordinating management and cooperating in the operation of the wilderness.

SEC. 4. Sections 105(a), and 107 of the Act of 1980 and section 2(e) of the Endangered American Wilderness Act of 1978 (Public Law 95-237) are repealed.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial

review with respect to National Forest Systems lands in the State of Colorado;

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (Public Law 94–588), to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Colorado reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purposes of protecting their suitability for wilderness designation prior to or during revision of such plans and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning

Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to national forest roadless lands in the State of Colorado which are less than five thousand acres in size.

SEC. 6. (a) As soon as practicable after this Act, the Secretaries of Agriculture and Interior shall file the maps referred to in sections (2) and (3) and legal descriptions of the wilderness areas with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this Act, except that any clerical or typographical error in such maps or legal descriptions may be corrected. The Secretaries shall place such maps and legal descriptions on file, and make them available for public inspection, in the offices of the Chief of the United States Forest Service, Department of Agriculture, the Director of the Bureau of Land Management, United States Department of the Interior, and the Director of the National Park Service, United States Department of the Interior.

(b) Subject to valid existing rights, the wilderness areas designated by this Act shall be administered by the Secretaries of Agriculture and Interior in accordance with the provisions of the Wilderness Act which designated them as wilderness areas, except that with respect to the areas designated by this Act, any reference to other wilderness acts shall be deemed to be a reference to the effective date of this Act.

SEC. 7. No provisions of this Act nor any other Act of Congress designating areas in Colorado as part of the National Wilderness Preservation System, nor any guidelines, rules, or regulations issued thereunder, shall constitute the establishment of a right to the use or flow of water in the Federal Government because of the designation: *Provided, however,* That this provision does not constitute an express or implied claim or denial on the part of the Federal Government to the use or flow of water in any other congressionally designated wilderness area in the United States.

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98TH CONGRESS
2D SESSION

H. R. 5426

IN THE SENATE OF THE UNITED STATES

JUNE 19 (legislative day, JUNE 11), 1984

Received; read twice and referred to the Committee on Energy and Natural Resources

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AN ACT

To designate certain National Forest System Lands in the State of Colorado for inclusion in the National Wilderness Preservation System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be entitled as the "Colorado Wilderness Additions Act of 1984".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the San Isabel National Forest, which comprise approximately forty-six thousand acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposed", dated June 1984, and which shall be known as the Buffalo Peaks Wilderness;

(2) certain lands in the Uncompaghre National Forest, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Cannibal Plateau Wilderness—Proposed", dated May 1984, and which shall be known as the Cannibal Plateau Wilderness;

(3) certain lands in the San Isabel National Forest, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Huajatolla Wilderness—Proposed", dated May 1984, and which shall be known as the Huajatolla Wilderness;

(4) certain lands in the San Isabel National Forest, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposed", dated May 1984, and which shall be known as the Greenhorn Mountain Wilderness;

(5) certain lands in the White River National Forest, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Hunter-Fryingpan Wilderness—Proposed", dated April 10, 1984, and which are hereby incorporated in and shall be deemed a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-237;

(6) certain lands in the Pike National Forest, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness Additions—Proposed", dated June 1984, and which are hereby incorporated in and shall be deemed a part of the Lost Creek Wilderness as designated by Public Law 96-560;

(7) certain lands in the Routt National Forest, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Mt. Zirkel Wilderness Additions—Proposed", dated May 1984 and which are hereby incorporated in and shall be deemed a part of the Mount Zirkel Wilderness as designted by Public Laws 88-577 and 96-560;

(8) certain lands in the San Juan National Forest, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Piedra

Wilderness—Proposed", dated May 1984 and which shall be known as the Piedra Wilderness;

(9) certain lands in the Gunnison National Forest, which comprise approximately five thousand five hundred acres as generally depicted on a map entitled "Raggeds Wilderness Additions—Proposed", dated April 10, 1984, and which are hereby incorporated in and shall be deemed a part of the Raggeds Wilderness as designated by Public Law 96-560;

(10) certain lands in the Arapaho National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "St. Louis—Vasquez Peaks Wilderness—Proposed", dated June 1984, and which shall be known as the St. Louis—Vasquez Peaks Wilderness;

(11) certain lands in and adjacent to the Rio Grande and San Isabel National Forests, which comprise approximately two hundred and thirty-five thousand acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposed", dated May 1984, and which shall be known as the Sangre de Cristo Wilderness;

(12) certain lands in the Routt National Forest, which comprise approximately forty-eight thousand five hundred acres, as generally depicted on a map entitled

"Service Creek Wilderness—Proposed", dated May 1984, and which shall be known as the Service Creek Wilderness;

(13) certain lands in the San Juan National Forest, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", dated May 1984, and which are hereby incorporated in and shall be deemed a part of the Weminuche Wilderness as designated by Public Laws 93-632 and 96-560;

(14) certain lands in the San Juan National Forest, which comprise approximately twenty-three thousand acres, as generally depicted on a map entitled "West Needles Wilderness—Proposed", dated May 1984, and which shall be known as the West Needles Wilderness; and

(15) certain lands in the Arapaho National Forest, which comprise approximately forty thousand five hundred acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposed", dated June 1984, and which shall be known as the Williams Fork Wilderness: *Provided, however,* That subject to valid existing rights the Williams Fork Further Planning Area as generally depicted on said map shall be managed, until Congress determines otherwise, to maintain

its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided, further,* That no right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the Williams Fork Further Planning Area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in subsection (a) and legal descriptions of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as Wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Subparagraphs (1), (3), (5), (6), (7), (8), and (9) of section 105(a), subsection 105(b), section 106 and section 107 of the Act of December 22, 1980 (Public Law 96-560) are hereby repealed.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Colorado;

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-

year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Colorado reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act, except for the Williams Fork Further Planning Area, shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and

areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Colorado which are less than five thousand acres in size.

SEC. 6. (a) In order to protect the area's paramount geologic, natural and scenic values certain lands in the Rio Grande National Forest, Colorado, which comprises approximately eighteen thousand acres, as generally depicted on a map entitled "Wheeler-Wason National Monument—Proposed", dated May 1984, are hereby designated as the Wheeler-Wason National Monument.

(b) The Secretary of Agriculture acting through the Forest Service shall administer the Wheeler-Wason National Monument as a separate unit within the boundary of the Rio Grande National Forest in accordance with the laws generally applicable to the National Forest System, and subject to the following provisions:

(1) the Secretary shall manage the monument to protect the wildlife, biologic, geologic, ecologic, and cultural resources, in accordance with the provisions of this Act allowing geologic forces and ecological succession to continue substantially unimpeded, with special emphasis on protection of the geologic and wildlife resources;

(2) the Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the monument or (B) cause substantial damage to significant resources adjacent to the monument;

(3) timber harvesting shall not be permitted within the monument except as may be necessary for the control of fire, insects, or disease as set forth in subparagraph (b)(2) above;

(4) the use of motorized vehicles (including snowmobiles) or aircraft may be permitted within the monument; and

(5) roads or other developments needed for recreational or interpretive purposes may be permitted but should be generally limited to those areas where they existed prior to enactment of this Act.

(c) Subject to valid existing rights all lands within the monument are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing, and all amendments thereto.

Passed the House of Representatives June 18, 1984.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

Senator **Wallop**. The first witness is Deputy Chief Lamar Beasley of the Forest Service in the Department of Agriculture. Good morning.

As a matter of fact, let me bring all the administration witnesses to the table, and next will be my friend, the Deputy Director of the National Park Service, Mary Lou Grier, and Jim Cason, Special Assistant to the Director, Bureau of Land Management.

STATEMENT OF J. LAMAR BEASLEY, DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. **Beasley**. Good morning, Mr. Chairman.

Mr. Chairman, I am pleased to have the opportunity to present before this subcommittee the Department of Agriculture views on S. 2916, S. 2032, and H.R. 5426, bills designating certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System.

Currently there are 14.4 million acres of National Forest System lands in Colorado. Of this total, 18 percent has already been designated wilderness. These bills are sequels to the Colorado Wilderness Act of 1980 which is one of the first statewide wilderness bills enacted following the second roadless area review and evaluation.

Presently there are 2.6 million acres of wilderness in Colorado. All are on National Forest System land with the exception of 55,000 acres of national park in four separate units. Of this 2.6 million acres of existing wilderness, 1.4 million acres were designated by the 1980 legislation.

S. 2916 would designate 16 new wildernesses and make additions to 3 existing wildernesses for a total of approximately 879,000 acres. Of this total, eight of the areas are on National Forest System lands totaling about 400,000 acres. Eight of the proposed new wildernesses totaling 435,000 acres are on national park, and approximately 43,000 acres of the proposed Powderhorn/Cannibal Plateau Wilderness is on lands administered by the Bureau of Land Management, and we defer to the Department of the Interior for comment on these designations.

The release language from the 1980 act would be amended in S. 2916 to incorporate the compromise changes. Section 7 of the bill declares that for Colorado, the designation of wilderness shall not constitute the establishment of a right to use or flow of water with the Federal Government.

If the committee chooses to proceed with wilderness legislation for Colorado at this time, the Department of Agriculture could support S. 2916 with amendments that I will discuss later. The bill closely follows our tentative recommendations for wilderness which have been developed from studies and further planning as directed in the Colorado Wilderness Act of 1980.

We oppose H.R. 5426 which passed the House, and S. 2032. Both bills would make designations that exceed our tentative recommendations and include areas that were previously released in 1980. These bills deal primarily with wilderness designations on National Forest System land. However, S. 2032 does include some lands administered by the Bureau of Land Management.

The wilderness study required by Public Law 95-237, the Endangered American Wilderness Act, of Spruce Creek was completed and forwarded to Congress in September 1982, and as a result of that study, the Spruce Creek area was recommended for wilderness designation. This proposed wilderness is included in all three bills. Except for the Oh-Be-Joyful wilderness study all of the other wilderness studies and remaining further planning are being done as a part of forest planning. This study and planning is essentially completed.

However, none of the recommendations from these wilderness studies have yet been forwarded to the Congress. The Congress has been advised of our decision relative to five of the six further planning areas. Our tentative recommendation based on the forest plans and pending review within the administration is that the Service Creek, Davis Peak addition and a portion of the Cannibal Plateau further planning areas should be recommended to the Congress for wilderness designation.

The decision in the forest plan was that St. Louis Peak and Williams Fork further planning areas be managed for multiple uses other than wilderness. A decision on the Lost Creek further planning area is still pending.

S. 2032 would designate 12 new wildernesses and would make additions to 5 existing wildernesses, for a total of 734,000 acres, including approximately 51,000 acres administered by the Bureau of Land Management. This bill provides for the transfer of approximately 1,500 acres from the Department of the Interior to the Department of Agriculture as a part of the national forest Big Blue Wilderness.

Additional provisions of the bill would require the Williams Fork further planning area in the Arapaho National Forest be managed to maintain its existing wilderness character with the exception of that the right of the Denver Water Board would not be affected. There is no provision to amend the release language included in the 1980 act.

We have proceeded with wilderness suitability studies in accordance with the Endangered American Wilderness Act and the Colorado Wilderness Act. Even though a final wilderness recommendation has been made only for Spruce Creek, in order to be responsive to the committee's request for comments on these bills, we are offering our tentative evaluations of the other study areas.

We would emphasize, however, these are only tentative determinations and until final reports and recommendations are submitted to the Congress, adjustments or changes may be made.

Of the 12 wilderness studies required by Congress, all or part of 7 have now been found to be at least tentative suitable for wilderness. These study areas in this category are Sangre de Cristo, Greenhorn Mountain, Piedra, West Needle, Vasquez Peak, Buffalo Peaks, and Spruce Creek, for a total of 329,430 acres. All three of the bills include these areas.

Three further planning areas have been tentatively identified as suitable for wilderness inclusion. These are Cannibal Plateau, Davis Peak, and Service Creek, for a total of 61,560 acres. These areas are proposed for wilderness in all three bills.

In addition to St. Louis Peak, Williams Fork, and a portion of the Cannibal Plateau being identified for uses other than wilderness, the following areas have also been tentatively identified for uses other than wilderness—Fossil Ridge, Oh-Be-Joyful, Wheeler Geologic, Spanish Peaks, San Juan Expansion, and Lost Creek.

In summary, we strongly oppose both H.R. 5426 and S. 2032 since neither bill reflects the tentative results of the wilderness studies that were mandated by the Congress.

We believe that to ignore the results of over 3 years of wilderness analysis and evaluation is wasteful of that effort and certainly not responsive to the process prescribed by the Congress in the Colorado Wilderness Act of 1980.

H.R. 5426 proposes six areas which our study tentatively indicates are not suitable for wilderness.

S. 2032 proposes seven wildernesses which our study would not support. Both bills also propose wilderness addition of various areas released by the Colorado Wilderness Act of 1980. We strongly oppose these additions.

We also oppose the proposal in S. 2032 that the Williams Fork roadless area be managed to protect the wilderness suitability indefinitely. To the extent the wilderness proposals of H.R. 5426 and S. 2032 go beyond what our wilderness study suitability analysis supports, we oppose those bills.

On the other hand, S. 2916 proposes wildernesses which our study at this point indicate are suitable, and in contrast to the other two bills, S. 2916 does not include areas that were previously released in the 1980 act.

If the Congress moves forward with this legislation at this time, we would also recommend that neither Oh-Be-Joyful or Wheeler Geologic areas be left in study status. From our studies and with the tentative recommendations described above, both areas should be released to multiple uses other than wilderness.

Apparently the intent of section 7 is to assure that wilderness designations in the State of Colorado do not add to or take away water rights of the Federal Government. Wilderness designation pertains only to Federal land. Administration of designated wilderness according to provisions of the Wilderness Act result in very little consumptive water use. The Wilderness Act contains a provision pertaining to water rights in section 4(d)(7) which directs, I quote, "Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws."

We believe that this generic provision of the Wilderness Act adequately deals with the possible effects of wilderness designation on water rights.

Section 7 of this bill, therefore, would not be necessary.

We fully support the amendment of the release provisions as provided for in S. 2916 so that those changes agreed to by the Senate-House compromise would be applicable to Colorado.

Mr. Chairman, I appreciate the opportunity to offer our views on these bills, and I will be pleased to respond to questions concerning our report.

[The prepared statement of Mr. Beasley follows:]

STATEMENT OF
J. LAMAR BEASLEY, DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and Reserved Water
of the Senate Energy and Natural Resources Committee

Concerning S. 2916, S. 2032, and H.R. 5426, bills that would designate additional wilderness in the State of Colorado.

September 18, 1984

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate this opportunity to appear before the Subcommittee to offer the Department of Agriculture's views on S. 2916, S. 2032 and H.R. 5426, bills "To designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System."

There are 14.4 million acres of National Forest System lands in Colorado. Of which, eighteen percent is already designated wilderness. These bills are sequels to the Colorado Wilderness Act of 1980, P.L. 96-560, one of the first Statewide wilderness bills enacted following the Second Roadless Area Review and Evaluation. There are at present 2.6 million acres of wilderness in the State of Colorado. All are on National Forest System land except 55,000 acres of National Park in four separate units. Of the 2.6 million acres of existing wilderness, 1.4 million were designated by the 1980 legislation.

S. 2916

S. 2916 would designate 16 new wildernesses and make additions to 3 existing wildernesses for a total of approximately 879,000 acres. Of this total, eight areas are on National Forest System lands totaling approximately 400,000 acres.

Eight of the proposed new wildernesses totaling 435,000 acres are National Park, and approximately 43,000 acres of the proposed Powderhorn/Cannibal Plateau wilderness are on land administered by the Bureau of Land Management. We defer to the Department of the Interior for comment on the wilderness designations other than those on National Forest System lands.

The release language from the 1980 Act would be amended in S. 2916 to incorporate the compromise changes. Section 7 of the bill declares that for Colorado the designation of wilderness shall not constitute the establishment of a right to the use or flow of water with the Federal Government.

If the Committee chooses to proceed with wilderness legislation for Colorado at this time, the Administration could support S. 2916 with amendments that I will discuss later. The bill closely follows our tentative recommendations for wilderness, which have been developed from studies and further planning as directed in the Colorado Wilderness Act of 1980.

S. 2032 and H.R. 5426

We oppose H.R. 5426, which passed the House, and S. 2032. Both bills would make designations that exceed our tentative recommendations and include areas that were previously released in 1980. These bills deal primarily with wilderness designations on National Forest System land; however, S. 2032 does include some lands administered by the Bureau of Land Management.

H.R. 5426 as amended would designate 10 new wildernesses and would add to 5 existing wildernesses a total of 565,500 acres. The bill would also designate the 18,000-acre Wheeler-Wason National Monument. Study provisions of P.L. 96-560 for Fossil Ridge and South San Juan Expansion would remain. The release provisions of the Colorado Wilderness Act of 1980 would also be amended to incorporate the recent compromise changes.

S. 2032 would designate 12 new wildernesses and would make additions to 5 existing wildernesses for a total of 734,000 acres, including approximately 51,000 acres administered by the Bureau of Land Management. This bill provides for the transfer of approximately 1,500 acres from the Department of the Interior to the Department of Agriculture to be administered as a part of the Uncompahgre National Forest's Big Blue Wilderness. An additional provision of the bill would require that the Williams Fork Further Planning Area on the Arapaho National Forest be managed to maintain its existing wilderness character with the exception that rights of the Denver Water Board would not be affected. There is no provision to amend the release language included in the 1980 Act.

REQUIREMENT FOR WILDERNESS STUDY AND FURTHER PLANNING

I would like to review existing legislative direction to the Forest Service for carrying out wilderness area studies and the results of those studies. (1) The Endangered American Wilderness Act of 1978, P.L. 95-237, required that 8,000 acres in Spruce Creek on the White River National Forest be studied for its wilderness suitability. (2) The Colorado Wilderness Act of 1980, P.L. 96-560, required that 11 areas totaling 483,872 acres be studied for wilderness suitability and further required that the Second Roadless Area Review and Evaluation (RARE II) roadless areas identified as further planning but not designated as wilderness by the 1980 Act, remain in that further planning category pending completion of the plans being prepared under the National Forest Management Act. Approximately 169,600 acres are in this category. In total, therefore, approximately 661,500 acres of National Forest were still subject to additional wilderness suitability review and evaluation after enactment of P.L. 96-560 in 1980.

Other RARE II roadless areas not included in either wilderness study or remaining in further planning were declared to be adequately considered for wilderness suitability. These lands are not subject to management constraints for the purpose of protecting their wilderness suitability through the period of the initial land management plans.

STATUS OF THE STUDIES

The wilderness study required by P.L. 95-237 for Spruce Creek was completed and forwarded to Congress in September 1982. As a result of that study, the Spruce Creek area was recommended for wilderness designation. This proposed wilderness is included in all three bills.

Except for the Oh-Be-Joyful wilderness study, all of the other wilderness studies and remaining further planning are being done as part of Forest planning. This study and planning are essentially completed; however, none of the recommendations from these wilderness studies have yet been forwarded to the Congress.

The Congress has been advised of our decision relative to five of the six further planning areas. Our tentative recommendation, based on the Forest plans and pending review within the Administration, was that the Service Creek, Davis Peak addition, and a portion of the Cannibal Plateau further planning areas should be recommended to the Congress for wilderness designation.

The decision in the Forest plan was that St. Louis Peak and Williams Fork further planning areas be managed for multiple-uses other than wilderness. A decision on the Lost Creek further planning area is still pending.

For those further planning areas which are recommended for wilderness, a study report and an Environmental Impact Statement will be prepared and transmitted to the Congress.

Even though a final wilderness recommendation has been made only for Spruce Creek, in order to be responsive to the Committee's request for comments on these bills, we are offering our tentative evaluations of the other study areas. We would emphasize, however, these are only tentative determinations and until final reports and recommendations are submitted to the Congress, adjustments or changes may be made. Of the 12 wilderness studies required by Congress, all or parts of seven areas have now been found to be at least tentatively suitable for wilderness. Those study areas in this category are: Sangre de Cristo-(188,400 ac.), Greenhorn Mountain-(22,330 ac.), Piedra-(41,500 ac.), West Needle-(20,340 ac.), Vasquez Peak-(12,800 ac.), Buffalo Peaks-(36,060 ac.), and Spruce Creek-(8,000 ac.) for a total of 329,430 acres. All three of the bills include these areas.

Three further planning areas have been tentatively identified as suitable for wilderness inclusion. These are the Cannibal Plateau-(13,600 ac.), Davis Peak-(8,100 ac.), and Service Creek-(39,860 ac.) for a total of 61,560 acres. Again, these areas are proposed for wilderness in all three bills.

In addition to St. Louis Peak, Williams Fork, and a portion of Cannibal Plateau being identified for uses other than wilderness, the following areas have also been tentatively identified for uses other than wilderness: Fossil Ridge, Oh-Be-Joyful, Wheeler Geologic, Spanish Peaks, San Juan Expansion, and Lost

Creek. H.R. 5426 would designate all of these except Fossil Ridge, South San Juan Expansion, and Wheeler Geologic areas as wilderness. Wheeler Geologic would, however, be designated a National Monument. S. 2032 would designate all except Williams Fork as wilderness. S. 2916 would not designate any of the areas found to be either not suitable or tentatively not suitable for wilderness.

Determinations that a study area is unsuitable for wilderness designation are based upon extensive evaluations and analysis to determine not only the wilderness characteristics of an area, but also the need for wilderness in the area and the resource tradeoffs that would have to be made if the area were designated. For the studies being done in Colorado, the unsuitable determinations are mainly because of foregone mineral values, little need for additional wilderness in several areas, and the impact to recreational uses not compatible with wilderness designation.

SUMMARY

In summary, we strongly oppose both H.R. 5426 and S. 2032 since neither bill reflects the tentative results of the wilderness studies that were mandated by the Congress. We believe that to ignore the results of over 3 years of wilderness analysis and evaluations is wasteful of that effort and certainly not responsive to the process prescribed by the Congress in the Colorado Wilderness Act of 1980.

H.R. 5426 proposes six areas which our study tentatively indicates are not suitable for wilderness. S. 2032 proposes seven wildernesses which our studies would not support. Both bills also propose wilderness additions of areas released by the Colorado Wilderness Act of 1980. We strongly oppose these additions. We also oppose the proposal in S. 2032 that the Williams Fork roadless area be managed to protect its wilderness suitability indefinitely. To the extent the wilderness proposals of H.R. 5426 and S. 2032 go beyond what our wilderness study suitability analysis supports, we oppose those bills.

On the other hand, S. 2916 proposes wildernesses which our study at this point indicates are suitable and in contrast to the other two bills, S. 2916 does not include areas that were previously released in the 1980 Act. If the Congress moves forward with this legislation at this time, we would recommend that neither Oh-Be-Joyful or Wheeler Geologic areas be left in study status. From our studies and with the tentative recommendations described above, both areas should be released to multiple-uses other than wilderness.

Apparently, the intent of section 7 is to assure that wilderness designations in the State of Colorado do not add to or take away water rights of the Federal Government. Wilderness designation pertains only to Federal land. Administration of designated wilderness according to provisions of the Wilderness Act results in very little consumptive water use. The Wilderness Act contains a provision pertaining to water rights in section 4 (d)(7) which directs that:

> "Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws."

We believe that this generic provision of the Wilderness Act adequately deals with the possible effects of wilderness designation on water rights. Section 7 of this bill, therefore, would be unnecessary.

We fully support the amendment of the release provisions as provided for in S. 2916 so that those changes agreed to by the Senate-House compromise would be applicable to Colorado.

We appreciate the opportunity to offer our views on these bills. I would be pleased to answer questions concerning our report.

Senator Wallop. Thank you, Chief Beasley. I think we will hear the rest of the administration's testimony and then see what questions may develop.

Next is Deputy Director Grier, National Park Service.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY JAMES CASON, SPECIAL ASSISTANT TO THE DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Ms. Grier. Good morning, Mr. Chairman. We will defer to the views of the Department of Agriculture with respect to H.R. 5426—and the provisions of the other two bills—as it applies to that Department.

S. 2032 would designate as wilderness two areas that are now administered by the Bureau of Land Management consisting of an existing 40,480-acre BLM Powderhorn Primitive Area and would transfer management responsibility to the Secretary of Agriculture.

We object to this provision since the BLM has been successfully managing the Powderhorn as a primitive area since 1973.

It would also designate approximately 1,505 acres of land in BLM's Gunnison Basin Resource Area as wilderness as an addition to the existing Big Blue Wilderness Area and transfer these lands to the Secretary of Agriculture.

Although BLM has completed its study of the Gunnison Basin Resource Area, the Department has just begun to review that study, and we believe that designation should, therefore, be postponed until that review is completed.

S. 2916 would designate as wilderness approximately 43,000 acres of BLM lands along with 435,000 acres of National Park System lands in Colorado. The BLM lands include portions of four wilderness study areas. These inclusions are consistent with BLM's recommendations in the Forest Service Sangre de Cristo wilderness study report of August 1982.

We recommend that S. 2916 be amended to provide for the transfer of administration of these wilderness study areas to the Forest Service upon designation.

In addition, it would designate 43,311 acres of the Powderhorn Primitive Area and adjacent public lands as wilderness. BLM has completed its study of this area and found it to be suitable for wilderness. It has been reviewed by the Department and is in the last stages of review by the Secretary. We, therefore, have no objection to enactment of this provision.

We do recommend, however, that it provide for the release of 5,189 acres in the Powderhorn area that we have found not to be suitable for designation. We will be happy to provide you with specific amendatory language in our report on S. 2916 to accomplish these recommendations as well as the recommendations we have concerning the National Park Service and its lands designated by this bill.

With me today is Mr. James Cason from the BLM who will be happy to answer any questions you may have.

Section 3 of S. 2916 would designate wilderness in three units of the National Park System as follows—Rocky Mountain National Park, 235,668 acres; Colorado National Monument, 13,842 acres; and Dinosaur National Monument, 186,114 acres.

We recommend the enactment of section 3 if it is amended as suggested in my statement.

Pursuant to the Wilderness Act, the President made wilderness recommendations to the Congress in 1972 and 1974 for the National Park System areas referred to in S. 2916. Since then, we have continued to review the suitability of these areas for wilderness designation and are now recommending designation of wilderness as follows—Rocky Mountain National Park, 235,374 acres as wilderness and 4,692 acres as potential wilderness; Colorado National Monument, 15,135 acres as wilderness and 1 acre as potential wilderness; and Dinosaur National Monument, 186,328 acres as wilderness and 4,215 acres as potential wilderness.

In addition to conforming to our acreage recommendations, we recommend that S. 2916 be amended in three other respects. First, the bill makes no provision for designating areas as potential wilderness. We recommend that language be added to enable the Secretary to designate as wilderness certain areas that we have identified as potential wilderness at such time as uses incompatible with wilderness have ceased.

Second, we recommend that the bill designate one named wilderness for each park unit, and that the wilderness so designated be named for that park unit. S. 2916 would designate a total of eight wilderness units for the three park areas, each one named after a local feature. This is a precedent from previous wilderness actions in the past which have been named for the specific park unit.

Third, we recommend deletion of section 7 applicable to water rights as unnecessary. The Wilderness Act adequately addresses the possible effects of wilderness designation on water rights.

This concludes my shortened statement, Mr. Chairman.

[The prepared statement of Ms. Grier follows:]

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2032, S. 2916, and H.R. 5426, LEGISLATION TO DESIGNATE CERTAIN LANDS IN THE STATE OF COLORADO AS WILDERNESS.

September 18, 1984

Mr. Chairman, it is a pleasure to appear before you today to testify on behalf of the Department of the Interior on S. 2032, S. 2916, and H.R. 5426, legislation designating certain lands in the State of Colorado as Wilderness.

We defer to the views of the Department of Agriculture with respect to H.R. 5426 and the provisions of S. 2032 and S. 2916 that designate U.S. Forest Service lands as wilderness.

S. 2032 would designate as wilderness two areas that are now administered by the Bureau of Land Management (BLM). Section 2(a)(3) would designate 63,700 acres of both BLM and Forest Service lands as the Cannibal Plateau Wilderness. The BLM-administered portion consists of the existing 40,480 acre BLM Powderhorn Primitive Area. S. 2032 would transfer management responsibility of this area to the Secretary of Agriculture. We object to this provision. The BLM has been successfully managing the Powderhorn as a primitive area since 1973.

Section 2(a)(18) of S. 2032 would designate approximately 1,505 acres of land in BLM's Gunnison Basin Resource Area as wilderness, as an addition to the existing Big Blue Wilderness. These lands would also be transferred to the Secretary of Agriculture.

Although the BLM has completed its study of the Gunnison Basin Resource Area, the Department has just begun to review that study. We therefore believe that designation of this area should be postponed until that review is completed.

S. 2916 would designate approximately 43,000 acres of BLM lands, along with 435,000 acres of National Park System lands, in Colorado as wilderness. Section 2(24) of S. 2916 would designate the Sangre de Cristo Wilderness Area which would include portions of four BLM wilderness study areas: 1,100 acres at Black Canyon, 860 acres at South Piney Creek, 620 acres at Papa Keal, and 720 acres at Zapata Creek. These inclusions are consistent with the BLM's recommendations in the Forest Service's Sangre de Cristo Wilderness Study Report of August 1982. We recommend that S. 2916 be amended to provide for the transfer of administration of these lands to the Forest Service upon designation.

S. 2916 would also designate 43,311 acres of the Powderhorn Primitive Area and adjacent public lands as wilderness. The BLM has completed its study of this area and found it to be suitable for wilderness. This finding has been reviewed within the Administration and is in the last stages of review by the Secretary. We therefore have no objection to enactment of this provision of S. 2916. If S. 2916 is enacted, however, we recommend that it provide for the release of 5,189 acres in the Powderhorn area that we found not to be suitable for designation as wilderness. In addition, we recommend that S. 2916 provide for the release of BLM lands that remained under BLM administration after jurisdiction over portions of three BLM wilderness study areas was transferred to the Department of Agriculture pursuant to the Public Lands and National Parks Act of 1983. Those areas incude 2,085 acres at Whitehead Gulch, 1,605 acres at Weminuche Contiguous, and 1,240 acres at West Needles. The portions of these three areas that were transferred to the Forest Service would be designated as wilderness by S. 2916.

We will be happy to provide you with specific amendatory language in our report on S. 2916 to accomplish these recommendations, as well as the recommendations that we have concerning the park lands designated by this bill. In that report, we will be recommending a number of technical amendments to the bill as well. I have with me today Mr. James Cason, a representative from the Bureau of Land Management, who will be happy to answer for you any questions you have concerning the BLM areas affected by this legislation.

Section 3 of S. 1916 would designate wilderness in three units of the National Park System as follows: Rocky Mountain National Park, 235,668 acres; Colorado National Monument, 13,842 acres; and Dinosaur National Monument, 186,114 acres.

We recommend the enactment of section 3 if it is amended as suggested in this statement.

Section 3(c) of the Wilderness Act of 1964 directed the Secretary of the Interior to relvew, within 10 years of the date of the Act, every roadless area of 5,000 contiguous acres or more in the National Parks, Monuments, and other units of the National Park System and report to the President as to the suitability or nonsuitability of each area for preservation as wilderness. The Act directed the President to advise Congress of his recommendation as to all such areas within the 10-year period.

Pursuant to the Wilderness Act, Presidential recommendations were submitted to Congress in 1972 and 1974 for the three National Park System Areas referred to in S. 2916. On February 8, 1972, the President recommended 13,482 acres as wilderness and 937 acres as potential wilderness in Colorado National Monument; on June 13, 1974, the President recommended 240,030 acres as wilderness and 284 acres as potential wilderness in Rocky Mountain National Park; and on December 4, 1974, the President recommended 205,672 acres as wilderness and 5,055 acres as potential wilderness in Dinosaur National Monument. Congress has taken no action on those recommendations, although as part of a boundary change in 1980, Public Law 96-560 added 2,917 acres of Forest Service Wilderness (Indian Peaks) to Rocky Mountain National Park and provided that this addition would continue to be managed as a part of the National Wilderness Preservation System.

Since the studies and recommendations were made in 1972 and 1974, we have continued to reivew the suitability of these areas for wilderness designation. Based on that review, we now recommend designation of wilderness as follows: Rocky Mountain National Park, 235,374 acres as wilderness and 4,692 acres potential wilderness; Colorado National Monument, 15,135 acres as wilderness and 1 acre potential wilderness; and Dinosaur National Monument, 186,328 as wilderness and 4,215 acres potential wilderness. A comparision of the acreage we now recommend with the earlier Administration recommendations and the acreage proposed by S. 2916 is attached to my statement. The differences between our current recommendations and the designations proposed in S. 2916 can be attributed in most cases to potential wilderness. Those areas we propose as potential wilderness, together with certain small areas adjacent to our potential wilderness, are excluded from the wilderness in S. 2916.

In addition to conforming to our acreage recommendations, we recommed that S. 2916 be amended in three other respects: First, the bill makes no provision for designating areas as potential wilderness. We recommend that language be adopted authorizing the Secretary to designate as wilderness certain areas that we have identified as potential wilderness at such time as uses incompatible with wilderness have ceased. These uses include private and State land which may be acquired in the future, unmaintained primitive roads which may be phased out as they are no longer needed, and rights-of-way for certain utilities that may be moved or placed underground in the future. Second, we recommend that the bill designate one named wilderness for each park unit, and that the wilderness so designated be named for the park unit. S. 2916 would designate a total of eight wilderness units for the three park areas, each one named after a local feature. We recommend that the Congress continue designating one wilderness named for the park area where it occurs, as has been done with respect to all 35 units of the National Park System containing wilderness. Third, we recommend deletion of section 7, applicable to water rights, as unnecessary. Section 4(d)(7) of the Wilderness Act adequately addresses the possible effects of wilderness designation on water rights.

This concludes my prepared statement, Mr. Chairman. Mr. Cason and I would be pleased to respond to any questions you may have.

NATIONAL PARK SYSTEM UNITS IN S. 2916
(ACREAGE COMPARISON)

	PREVIOUS RECOMMENDATION	CURRENT RECOMMENDATION	S. 2916
Rocky Mountain National Park	240,030 wilderness 284 potential	235,374 wilderness 4,692 potential	235,668 wilderness
Colorado N. M.	13,842 wilderness 937 potential	15,135 wilderness 1 potential	13,842 wilderness
Dinosaur N. M.	205,672 wilderness 5,055 potential	186,328 wilderness 4,215 potential	186,114 wilderness

Senator WALLOP. Thank you both. I have asked you this question before. I am still not satisfied with where we are going, but what does wilderness designation do for the National Park Service that park designation fails to do?

Ms. GRIER. Well, I think as I responded to that question before, it is our feeling that the National Park System is not managed as other agencies manage their lands for multipurpose use; that the bulk of National Park System lands is managed for wilderness except for those areas identified for visitor use, and that there should be sufficient control over the amount of development that might occur through the normal general management process that affords public hearings, public input and comment on those proposals, so that if the thrust is to prevent the development within a park unit, the opportunity should be there for the public to make their wishes known on the management of that park.

Senator WALLOP. It just strikes me as a diminishment in status, not an increase in status. I believe that the National Park Service has done a superb job overall in managing the wild character of most of the lands within their control, but I also believe that they exist for a broader purpose and that the management options of the Park Service ought to remain as large as possible. That doesn't mean that there is any prospect of development or anything such as that, but that I would always like to see, if it is possible, disease control, fire control, and other kinds of things to maintain the properties under your administration, and so I have—this is no news to anyone here—an inherent dislike of wilderness designation. I have acceded to it and undoubtedly will again, but it strikes me as a real diminishment in character, not an enhancement.

I would like to see us get out of that habit and take a look at what we have done as a nation with national parks, and it is pretty magnificent. Under the Wilderness Act as you know, one of the 1892 mining laws prevailed. Under the park designation, they do not. It seems to me that this is more a thirst for acres in the system than it is for creative national policy with regard to special lands in this country. I see that all three bills recommended it; that is their thrust from the State delegation.

Let me ask one question to each of you from your respective departments. You have expressed confidence in section 4(d)(7) of the Wilderness Act, which says it gives you all this protection against assaults on water administration, but you are under a lawsuit at this moment, are you not, with regard to that?

Do you have great confidence in its frivolity?

Mr. BEASLEY. Mr. Chairman, you are correct. We do have a lawsuit pending, and we are not sure of the outcome of that.

Senator WALLOP. I think that is the reason why people are expressing a certain edginess about what wilderness designation does to water administration. I, for one, feel compelled to say that the loss of that lawsuit would throw great wrenches into the machinery of the last 4 years, into that incredible machinery, causing disruption in the Western water law and the tradition that the Congress has seen fit for 116 years to accede to.

Now the court decisions and other things are troubling that, and lawsuits tend to at least expand the opportunities of the courts to enter into that world. So, I understand clearly why the Western

Senator would try and provide protection for his State while still trying to add to the National Wilderness Preservation System.

I appreciate it, and we will submit some further questions to you, but I see Senator Hart has come in, and in the interest of trying to get through a very long witness list I think we will defer those questions to written ones.

Thank you. Good morning and welcome.

STATEMENT OF HON. GARY HART, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator HART. Mr. Chairman and members of the subcommittee, I thank you for the opportunity of testifying here. I would like to submit for your hearing record a rather lengthy statement in support of the legislation that I have introduced and with the consent and indulgence of the committee, I will just summarize that in a few minutes if I may, Mr. Chairman.

I thank you and members of the subcommittee for holding these hearings in the remaining weeks of this Congress addressing an issue that is vital to our State, and that is the resolution of remaining questions having to do with wilderness designation.

As you know, this month we observed the 20th anniversary of the Wilderness Act of 1964. This and the need to complete the RARE II process which began in 1980 in Colorado, the need to eliminate threats to existing wilderness study areas compel us to act in these 3 weeks if we can to finally resolve outstanding legislative questions, statutory questions.

As you know, earlier this summer the House passed legislation recommending just under 600,000 acres as additional wilderness in our State. The Colorado House delegation, I think, deserves a great deal of credit for its cooperation in developing what was a compromise, as is almost always the case, a compromise involving many competing interests.

Last October, just under a year ago, after many months of work with fellow citizens of my State and trying to involve the consideration of a wide range of interests, involving those interests in the deliberations, I did introduce legislation and recommended wilderness designation for approximately 730,000 acres of Colorado's undisturbed mountain lands. This legislation was hopefully carefully designated to balance our two primary concerns and those of the committee, that is to say, conserving a portion of our spectacular mountain areas while still meeting the necessary developmental needs and interests for public lands and resources in our State, not just for the interest of our State but for the country.

The bill that I introduced, as you know, proposes creation of 10 new wilderness areas in Colorado, including the State's first BLM wilderness areas, Powderhorn and American Flats. These new areas will provide additional diversity to the existing system by including lower elevation mountains, meadows, rolling terrain, important rangelands for big game, and protection of wetlands and the headwaters of Colorado's most spectacular mountain rivers.

The bill also expands seven existing wilderness areas, enlarging several areas to accommodate heavy usage from growing population centers and modifying several areas to establish more geographically managable boundaries.

Where possible, Mr. Chairman, this legislation has sought to avoid conflicts with existing and proposed oil and gas, mineral, timber, and water activities. In addition, we have attempted to eliminate all established motorized recreational uses from designation. Now not surprisingly, the wide variety of participants in this legislation have identified certain existing conflicts. Many more have been identified since introduction of this legislation and will be delineated by your committee and subcommittee.

To resolve these and other conflicts, boundaries have been adjusted and an entire area eliminated from proposed designation in the legislation which I am supporting in order to preserve alternative use options.

Finally, Mr. Chairman, I would like to briefly comment on language included in my colleague, Senator Armstrong's, legislation which is also before the committee which seeks to deny a federally or a Federal reserved water right for wilderness areas in Colorado.

This is an issue, the relationship between wilderness areas and Federal reserved water rights, which the Congress has never explicitly addressed. I think attempting to resolve litigation pending in the court with the provision in the 1984 Colorado wilderness bill almost certainly ends our chances of enacting legislation before Congress adjourns, chances which are already slim since we have very few days remaining.

Enacting a bill this year is probably only possible if the Senate refrains from raising major new issues, particularly those certain to be highly controversial.

Further, Mr. Chairman, a sweeping renunciation of any and all Federal reserved water rights in wilderness areas would in my judgment be an overreaction to a lawsuit whose full dimensions have not yet even emerged.

I, therefore, hope that any consideration of this issue can be deferred, this issue being the Federal water rights issue. Let us move forward at this time to resolve boundary questions which are the only remaining issues standing in the way of needed expansion of our wilderness system.

Mr. Chairman, I continue to be impressed with how important our unspoiled lands are to the vast majority of Coloradans and Americans. Our State we feel is unique in many respects, but most people think first of Colorado's mountains when they think of our own State. As our cities become more crowded and as competition for diminishing natural resources increases, the relatively few untouched areas become ever more important to not only our generation but generations to come.

This has been proven time and again by increasing use of our mountains for recreation, by the growing pressure to protect additional areas while they are still in their original natural state. Fortunately our public lands are vast enough that preservation of untouched pristine areas will not prevent us from meeting other needs, including energy development, water and mineral development, and other resource development needs.

This is our challenge, to preserve what is special and unique about Colorado and our Nation, while not inhibiting development of needed, genuinely needed natural resources. A successful combination of these two goals can benefit our State now and for generations to come.

Mr. Chairman, again I thank you for the opportunity to appear here. I know you and your subcommittee and full committee are anxious to deal with this issue, and hopefully get it resolved in this Congress, and I applaud you for that, and I together with my colleague stand ready to cooperate any way we can.

[The prepared statement of Senator Hart follows:]

Statement of Senator Gary Hart
Subcommittee on Public Lands and Reserved Water
Senate Energy Committee
September 18, 1984

Mr. Chairman, thank you for the opportunity to appear before the Subcommittee as it considers Colorado wilderness legislation. I commend and appreciate your interest in scheduling time to continue the process by which decisions will be made on the future of some of the most spectacular, unspoiled Federal lands in Colorado's Rocky Mountains. I would like to extend a special welcome to all Coloradans who are here today.

Earlier this month we observed the 20th anniversary of the Wilderness Act of 1964. This, and the need to complete the RARE II process started in 1980 in Colorado, and the need to eliminate threats to existing wilderness study areas compel us to act quickly in the next three weeks to enact legislation. Increasing and frequently conflicting pressure for use of our diminishing undisturbed Federal lands compel us to make the difficult land-use decisions today which will benefit many generations tomorrow. Many pristine mountain areas are now threatened by exploration and development activities. Thousands of acres of suitable wilderness land in the pending areas could be foreclosed from wilderness permanently if existing leases for exploration and development are acted upon before passage of this legislation.

Colorado's House delegation has helped considerably through passage earlier this summer of legislation recommending 580,000 acres as wilderness. Members of the delegation deserve much credit for working together so quickly to reach this carefully developed compromise between many competing interests.

With the recent introduction of his legislation, Senator Armstrong and I are now able to work with the Senate and all interested Coloradans on a final bill which can be taken to the Senate floor for final passage.

As you will recall, in 1980 Congress considered and approved legislation adding 1.4 million acres to the wilderness sytem in Colorado. Colorado was one of the first states to pass a major wilderness bill following completion of the U.S. Forest Service comprehensive review of roadless public lands, known as RARE I and II. Among the many accomplishments of that legislation was development of management policies for wilderness, including so-called release language which serves today as the model for many wilderness bills pending before Congress.

The 1980 Act brought the total wilderness acreage in Colorado to nearly 2.6 million acres. In addition, the 1980 Act established 12 Wilderness Study Areas (WSAs) and retained six Further Planning Areas (FPAs). The Forest Service was directed to study these areas in the ensuing three years to determine their suitability for wilderness designation or other uses. At this time, the Forest Service has completed its final recommendations for 12 areas and the other 6 will soon be final.

Thus, the legislation before the Subcommittee today is necessary to complete designation of the areas set aside for further study in 1980, the final step in Colorado's RARE II process.

Yet just as important, through our actions today and passage of this legislation in the final weeks before adjournment of the 98th Congress, we have an opportunity to reduce and eliminate documented threats to several areas in study status. This will enable us to protect the most magnificent of those lands which for the most part are unspoiled by human intrusion. It also leaves those lands with marginal wilderness characteristics and the most promising economic potential free for nonwilderness uses.

Legislation I introduced nearly one year ago (S. 2032) proposes designation of approximately 730,000 acres - - about half of that added by the 1980 Act - - for wilderness protection. It is an effort to balance our state's two primary concerns - - conserving a portion of Colorado's spectacular mountain areas, while still meeting the necessary development needs for the vast public lands in our state.

This legislation is the logical extension of the 1980 Colorado Wilderness Act. It recommends final action on lands remaining in study status. Moreover, the management provisions of the 1980 Act carry over and apply to this acreage, including policies for grazing, insect control, buffer zones and other issues of concern to Coloradans.

The bill proposes creation of ten new wilderness areas in Colorado, including the state's first Bureau of Land Management (BLM) wilderness areas. These additions will provide diversity to the existing system in Colorado by including lower elevation mountain meadows and rolling terrain, important rangelands for big game, protection of wetlands, aquatic life and the headwaters of several of Colorado's spectacular mountain rivers. The bill also expands seven existing wilderness areas -- adding a variety of landforms and ecosystems, enlarging several areas to accomodate heavy and increasing usage from surrounding population centers and modifying several areas to establish more geographically manageable boundaries.

I propose the remainder of the acreage from the RARE II process be released for uses other than wilderness, including mineral, oil and gas exploration and development, timber harvesting, wildlife habitat management, motorized recreation and water development.

This bill was the product of months of work with many Coloradans. The process began with a review of Forest Services data on the characteristics of each of the eighteen areas - - information about their wilderness, resource and recreational attributes. This information was augmented by Coloradans living near the areas, and reports developed by my staff after on-site inspections of each of the areas.

Next, I sought the recommendations of numerous Coloradans and organizations representing a variety of interests. State and local government officials assisted in providing vital economic impact information and helped to identify important features and competing interests which proved helpful in proposing the most appropriate management recommendation for the parcel of land involved.

Nor surprisingly, the wide variety of participants in the development of this wilderness proposal identified a certain amount of conflicts, including existing and proposed energy and mineral activities, ski area development and management, private lands, established motorized recreation, proposed timber management and development of existing water rights. To resolve these and other conflicts, boundaries were adjusted and an entire area eliminated from proposed designation in order to preserve alternative use options.

As lengthy as this process has been, it is not yet over. Many more legitimate, existing conflicts have been identified by my staff since introduction of this bill. Recent meetings amongst the Colorado delegation and staff have revealed additional concerns to be recognized and addressed.

You will note that legislation I have proposed contains the largest amount of acreage of any pending Colorado wilderness bill. This is due in part to the vast amount of undisturbed Federal lands in Colorado and recognizing this as our last opportunity for many years to protect and preserve these pristine areas. On the basis of field examination and careful study, I am recommending Congress give special consideration to the inclusion of areas contained in S.2032 to the National Wilderness Preservation System.

If you were to ask Westerners what we look for in decisions regarding our natural resources, most of them would reply in a single word: balance. Balance in preservation, balance in development, balance which will enhance our ability to make the wisest use of this nation's great natural wealth, for ourselves and for future generations.

Nowhere is this balance more critical than in the process by which we determine how best to manage our public lands.

Yet, unfortunately our public lands, parks and wilderness areas have often been left out of the traditional cost-benefit analysis. When faced with land use decisions concerning incompatible uses, public land managers and others have often resorted to and favored traditional, tangible benefits of resource development. Very seldom do we considered fully the economic benefits of preservation or, conversely, the substantial economic losses which can occur with development of unspoiled, undisturbed mountain lands.

Fortunately, our public lands and national forests are extensive enough to preserve prime mountain areas while still enabling us to meet other pressing needs, including energy resource development, mineral extraction, timber harvesting, water storage development, private land ownership and recreational uses not compatible with wilderness. Because each of these conflicts have surfaced during consideration of areas in this legislation, I would like to briefly discuss them.

We are all well aware of the abundant energy resources - - coal, oil shale, oil and natural gas and uranium - - which exist in the public lands. Although we are currently experiencing a temporary lull in energy activity, our growing needs for secure domestic supplies of energy will ensure much more of Colorado's land will be devoted to energy development in coming years. In drafting the legislation before us today, I have sought to eliminate all areas where the U.S. Geological Survey or others have identified a strong likelihood of potential reserves. Even today, our nation remains dangerously dependent on foreign sources for oil, gas and other energy needs. Many of these sources are in the most unstable regions of the world, threatening to at any moment disrupt energy supplies to this country and those of our allies. This underscores the importance of encouraging a continued healthy petroleum and energy industry.

The U.S. Geological Survey has conducted a review of the oil and gas potential of 4.5 million acres of various categories of wilderness lands in Colorado. The findings of this review can be summarized as follows: over 75 percent of the lands in this review contain "zero" or "unknown" potential; 18 percent have low potential; 2 percent medium potential; and, 3 percent of the lands reviewed contain what the USGS considers to be high reserve potential for oil and gas. The latter lands contain geologic environments highly favorable for occurence of oil and gas and most often exist near or adjacent to areas with existing production.

Remarkably, there are very few areas in the legislation pending before the Subcommittee which conflict with existing or potential oil and gas activity or development. Where this has occured either by USGS or other findings, we have made every attempt to exclude the areas with significant potential from wilderness designation.

Similarly, Colorado has many of the nation's mineral resources. Section 4(d) (3) of the Wilderness Act of 1964 defined and described allowable mineral activities in the nation's wilderness areas.

Wilderness areas are now closed to all new mineral leasing and new mining claims. Valid claims to so-called "hard-rock" minerals may be worked at any time, however, in order for the claim to be considered valid, the claim must have been properly located, recorded and maintained. In addition, the claim must contain a discovery of a valuable, locatable mineral deposit within its boundaries.

Mineral development frequently defaces the landscape, requires destructive access methods, causes air, water and noise pollution, and damages fish, wildlife, recreation and watershed values. Courts and Congress have recognized that activities associated with mineral development are incompatible with the concept of wilderness. These activities, where allowed by law on valid claims, should be strictly limited in their impacts and mining claims within wilderness should be acquired where necessary to protect surface values.

Avoiding every existing mining conflict in the study areas contained in this bill was virtually impossible. Where conflicts occur, however, claimants are permitted to conduct reasonable, limited mining activities on valid claims. Thus, nothing in the bill before us today can be construed as completely foreclosing options to develop existing mineral claims in wilderness.

In examining areas with high mineral potential, it is important we strike a balance between development needs and the interests of wilderness preservation.

Although many Americans recognize the extent to which this county remains vulnerable to a disruption of our oil supply, few are also aware we are dangerously vulnerable to a cutoff of the strategic minerals and materials necessary to sustain our highly advanced technological economy; minerals and materials that constitute the lifeline for several of our most important national industries.

The United STates is a have-not nation with respect to many critical minerals and materials necessary to maintain our national security, industrial base and economic well-being. Many of these crucial minerals are imported from evolving, unfriendly or unstable nations and regions of the world.

Our excessive, continued dependence on other nations for critical and strategic minerals, as with excessive dependence on foreign oil supplies, is an invitation to more of the problems and threats we have experienced in recent years: the supply disruptions, inflationary price increases and potential for blackmail by foreign governments. It is clear that a sustained U.S. economy requires a secure, uninterrupted supply of these resources.

At the same time, it is important that we are cognizant of the existing and likely economies of demand, retrieval and development for various minerals. In many instances, designation of wilderness may foreclose an option to develop minerals which abound in other parts of the state or nation. In other instances, these very minerals are difficult if not impossible to access and develop given present and foreseeable economic constraints, transportation distances and terrain. Our decisions on land management and wilderness must take these constraints into account in order to afford maximum protection to those spectacular areas where mineral potential may occur, but development remains nothing more than a distant possibility.

Yet another conflict arises with private land holdings which exist in several of the areas pending in this legislation. Section 5 of the Wilderness Act provides that where state or private in holdings exist in national forest (and BLM) wilderness areas, the state or private owner shall be afforded access or given Federal lands of equal vlaue in exchange.

The Secretary of Agriculture is authorized to acquire private inholdings within national forest and BLM wilderness areas, subject to the concurrence of the owner, the approval of necessary appropriations and specific authorizations by the Congress.

I would like to address the exchange program. In recent years, the Forest Service exchange program has not received the appropriations nor attention necessary to conduct efficient land exchanges in the national forests nationwide. Because this type of conflict often cannot be avoided, and can make the decision between designation or release very difficult, I encourage the Forest Service in the strongest possible terms to improve efforts at land exchanges contained in existing and soon to be designated wilderness areas.

The National Forest Management Act of 1976 directed the U.S. Forest Service to prepare a comprehensive management plan for each of the forests comprising the National Forest System. The purpose of each Forest Plan is to provide a management program accomodating a mixture of forest-related activities and reflecting the 50 year goals and objectives for the use and preservation of the National Forest System.

In Colorado, the final Forest Management Plans have been completed for three forest and are anticipated on the remaining forests later this year. These plans call for a substantial expansion of the timber cut on the National Forest in Colorado, but do not provide sufficient documentation of projected increased demand for timber or the benefits and impacts which will result from such activity.

This situation is of particular concern since several of the areas designated by the Forest Service for timber harvest activities coincide with unspoiled mountain lands in Colorado and appear to be the justification for nonwilderness recommendation by the Administration. Although I recognize the importance of timber activities for forest and habitat management, the increased level of projected commercial timber demand is puzzling. Recent information and data provided to Congress by the General Accounting Office raises questions about the methodology used by the Forest Service in projecting timber demand on forests in Colorado and other recreation and tourism based states.

Where possible we have attempted to eliminate this conflict. However, given the total amount of timber available on Colorado and other forests, decisions to release lands with otherwise suitable wilderness characteristics appear unwarranted.

In drafting this legislation, we have avoided in nearly every instance designation of areas with popular, established motorized recreational uses incompatible with wilderness. This includes existing motorcycle trails, four wheel drive roads and snowmobile areas throughout the state.

Mr. Chairman, I would like to comment on the extent to which this legislation conflicts with existing and planned water development in Colorado. The areas proposed for designation in this bill protect important watersheds, streams and lakes throughout Colorado's Rocky Mountains. The protection afforded by wilderness designation to pristine watersheds provides stable,high quality flows of water for many thousands of users and developers downstream. This also benefits aquatic and other wildlife supported by water and protects important wildlife habitat. In at least one specific case, Williams Fork, this legislation proposed retaining further study status in order to accomodate the ongoing needs and plans of the Denver Water Board and Metropolitan Water Providers. I am pleased that discussions with these entities subsequent to introduction of my legislation have resulted in boundary modifications which make the Williams Fork area a candidate for wilderness designation at the same time avoiding water development conflicts.

Finally, a suggestion has been made that the Senate include in the bill a provision specifying that neither already-designated wilderness areas in Colorado nor those being designated in this legislation have any reserved Federal water rights arising from their wilderness status. This is an issue - the relationship between wilderness designations and Federal reserved water rights - - which Congress has never explicitly addressed.

The issue has arisen in Colorado as the United States has begun to quantify in state court the extent of its reserved water rights - - the rights to unappropriated water within Federal land which Congress implicitly reserves when it sets aside or reserves that land from the public domain for a particular purpose that requires the use of water. In its claims for reserved rights to the national forest lands in Colorado, the Forest Service did not seek any additional quantity of water for the national forest lands which Congress has designated as wilderness. The Sierra Club filed suit in U.S. District Court, seeking an order that the Forest Service should assert additional reserved rights for the wilderness areas. The court recently ruled against the United States' preliminary motion to dismiss the case.

Attempting to resolve this litigation with a provision in the 1984 Colorado wilderness bill would almost certainly end our chances of enacting the legislation before Congress adjourns. Those chances are already slim, since the days remaining are few and the legislation still needs the approval of this Committee, the full Senate, and, in its amended form, the House of Representatives. This outcome is probably possible only if the Senate restrains from raising major new issues, especially those certain to be highly controversial.

Further, a sweeping renunciation of any and all Federal reserved water rights in wilderness areas would be an over-reaction to a law suit whose full dimensions have not yet emerged since the parties have not even filed their briefs. For example, the gravest concerns that have been expressed to me about the possible effects of the Sierra Club law suit are based on two propositions which strike me as legally unfounded - - that the Federal reserved rights for a wilderness area would cover all unappropriated water in the area, and that in a national forest wilderness area the reserved rights would be given a seniority dating back to the creation of the national forest instead of to the designation of the wilderness area. As I understand the well-established case law on reserved rights, the Federal right covers only the minimum amount of water necessary to fulfill the purposes for which Congress reserved the land from the public domain, and the seniority date for any additional water reserved by a second reservation of the same tract of land is the date of the second reservation, not the first.

Given these well-established principles of water law, the only effect of Federal reserved water rights for wilderness areas would be to prevent the diversion by a junior appropriator of so much water as to dry up the wilderness area and undercut the purposes for which Congress chose to designate the area as a wilderness. This is a limited right, and one which Congress should not lightly extinguish.

I therefore hope that any consideration of this issue can be deferred, letting us move forward in this Congress to resolve the boundary questions which are the only other issues standing in the way of a needed expansion of the wilderness system in our state.

Mr. Chairman, the hearing today is an opportunity for all interested parties to express their views on areas which should or should not be included in the wilderness system in Colorado. The process which you are continuing today will enable us to strike a careful balance between the many competing interests in public lands.

I continue to be impressed by how important unspoiled mountain areas are to most Coloradans. Our state is impressive in many respects, but most people think first of Colorado's mountains when they think of our state. As our cities become more crowded and as competition for diminishing natural resource increases, the relatively few untouched areas become ever more important to people. This has been proven by increasing use of our mountains for recreation andby the growing pressure to protect additional areas while they are still pristine.

Fortunately, our public lands are vast enough that preserving additional untouched and pristine areas in the state will not prevent us from meeting other needs including energy, water and mineral development.

I look forward to working with the Colorado delegation and members of the Senate in coming weeks as Congress considers and approves wilderness legislation for the state of Colorado.

Mr. Chairman, thank you for the opportunity to testify today.

Senator **Wallop**. Gary, thank you. Your bill doesn't contain the national park/wilderness designation, and that happens to be an area which I am in strong agreement. I just believe that the national park designation is, it is a high calling as it were, but it does not contain release language, and I wonder if you have objection to release language that has been worked out which we are now applying to the California bill, the Arizona bill, if we ever get it, the Wyoming bill, and virtually all new wildernesses passed in this Congress? We have a type of agreement as to what that would be.

Do you have an objection to the release language?

Senator **Hart**. Mr. Chairman, I have not had a chance to look at that specific language that you are referring to, nor have I had a chance to talk to Senator Armstrong about it which I would want to do.

As you will recall, Colorado's 1980 wilderness bill was one of the pioneer bills. I don't know whether it was the first, but it was one of the first to get finally through both Houses and signed into law, and one of the issues we had to deal with in a compromise fashion was the question of release.

At that time I think my recollection is we all did some creative negotiating and legislating and came up with very good release language that protected both our opportunity to designate additional areas, but also did not leave vast quantities of land in our State in doubt as to their future possible designation.

Language along that line, perhaps somewhat more conclusive in that we hope that this bill really does resolve the RARE II, RARE I and RARE II questions, would certainly be I think in order, but I would want to reserve on any specific words until I had a chance to examine more carefully the language you are talking about and also talk to Senator Armstrong about it, and let me just add if I may his staff and mine, he and I, the staff particularly have been in touch and have worked diligently together to try to bring the Armstrong and Hart bills closer together, which is exactly what happened in 1980 after months and months of work, and I as you know I think that is the only way you can ever really resolve these questions of acreage and release and even water rights.

Senator WALLOP. Well, the problem that we have with the release language, is as diligently as people worked on it, it doesn't work, and that is why there was a strong push to reopen that issue. We hope that perhaps we have release language that does work now and does relieve the Forest Service from management constraints which clearly just make it less than possible for them to manage the lands that they are charged with managing.

Senator HART. Clearly that has to be done, and I have not frankly in the last 4 years, 3 or 4 years, heard that much complaint in our own State about the release language we negotiated. It is I think somewhat different from that in other bills or other States, but I don't want to do anything that is going to make it more difficult for those agencies, the Forest Service, BLM, and others, to do what they have got to do.

Senator WALLOP. The other question I have, I have to ask you, is that the problem with the water lawsuit that exists, the problem that Colorado has had with the Holy Cross language which was supposed to be absolutely finite and protect those water rights, I think Colorado is dismayed that it did not, and you suggest we defer that, but it is exceedingly difficult to get into water language just sort of as ghost riders that must be materialized at a later time.

How would you deal with that deferral? It is something that Western States clearly have to come to grips with, and if I may, just reading the provision, that is section 7 in the Armstrong bill, it doesn't deny traditional Federal reserved rights. It simply doesn't deny any additional right that is created by wilderness designation, and I think that is the position that the administration takes, that they already have that protection, and it sounds like they think they are going to win, but I have an edginess about people who think they know what courts are going to do because I have not seen anybody who can second-guess them.

Senator HART. Well, I couldn't agree more, and if we were dealing—first of all, I don't, I wouldn't rule out—it is really in your jurisdiction more than mine—the question of a separate bill, if not in this Congress, early in the next, that either deals discretely with the specific issue before us or comprehensively with a range of Federal water rights questions, and I would want to be right in the middle of that, merging some action that defines the Federal right or role strictly or broadly, but I do think I agree with the administration here that to try to address that in 3 weeks on this already complicated question of acreage and boundaries and so on in the Colorado bill probably invites more controversy than we can handle in 3 weeks.

We are going to have lawsuits either way I suppose. If we were to, all of us together from the West, come up with a bill on western water rights, Federal water rights in the West wilderness areas and everywhere else, had unanimous agreement, it passed the House, passed the Senate, the President signed it, there would still be lawsuits.

I remember as I am sure you do when you first go to law school asking these questions of the professors saying can you sue about this or can you bring a suit about that? And of course the first thing we learned somewhat colorfully— I don't mean to be impertinent—is that you can sue the bishop of Boston for bastardliness, but it doesn't mean you are going to win, and I suppose there would be water, whatever Congress does, there is going to be water suits all the way up to the Supreme Court forever.

Senator **WALLOP**. Yes. You can limit their chances of success which I think is what the Westerners would like to do anyway.

I appreciate your coming to testify this morning. You are welcome to join us.

Senator **HART**. Thank you.

Senator **WALLOP**. Next is David Getches. Forgive me if I mispronounced it—from the Department of Natural Resources in the State of Colorado.

STATEMENT OF DAVID H. GETCHES, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF NATURAL RESOURCES

Mr. **GETCHES**. Thank you, Chairman Wallop and members of the committee. I am David H. Getches, executive director of the Colorado Department of Natural Resources, and I thank you for the opportunity to appear before the committee today to present testimony on the Colorado wilderness bills, S. 2032 and S. 2916.

The testimony I will present today is presented on my own behalf and on behalf of the State of Colorado and Gov. Richard D. Lamm.

I have submitted my written remarks, and today I will deal orally only briefly with several issues that need some special emphasis.

First, I would like to say that we are delighted that our congressional delegation has kept Colorado at the forefront of wilderness designation. Colorado, of course, has led the Nation in designating wilderness with one of the first and most comprehensive wilderness bills of 1980.

We are very proud that Senators Armstrong and Hart have recognized the tremendous importance of wilderness to Colorado by introducing their bills and bringing them before the committee to assure possibility of passage this year.

The State has been working with both Senators and their staffs. The areas and their boundaries in S. 2032 were carefully worked out with the agreement and participation of State agencies; representatives of my department, the department of natural resources, and the Governor's office have viewed most of the sites and have reviewed available information and alternative boundaries for all of the sites. We have had consultation with representatives of diverse interests—recreational, agriculture, mining, local government, ranching, oil and gas, and environment.

We are satisfied now that the sites and boundaries that I am recommending today and expanding on in written testimony succeed in striking an appropriate balance between the many competing interests that are involved in any wilderness consideration.

We support the wilderness designation for those areas in H.R. 5426 with some changes, and I thought it might be useful to bring out what those desirable changes might be.

First, the Buffalo Peaks area, we believe that the Black Mountain and Pony Creek areas should be included in that designation.

The U.S. Forest Service proposal is that certain areas be excluded in order to accommodate wildlife enhancement. Our vision of wildlife favors designation as wilderness. We believe that the division is the primary authority for managing wildlife in Federal wilderness areas, and that I believe is Federal policy as well.

We are dealing here with important winter range for elk, deer, and bighorn sheep. It is also habitat for the Canada lynx.

Mineral exploration and fuel wood-cutting area we think would interfere with these vital wildlife values, and therefore, we support the boundaries in S. 2032. When those boundaries were being drawn, they were carefully adjusted to exclude some heavily mineralized areas around the Western Pass and Low Pass Gulf, and so we think the proper balance should be struck there.

Second, the Wheeler area is in H.R. 5426 shown as a national monument. That would be acceptable if provisions were put in the legislation or in the report language to indicate that it should be managed to limit motorized access.

Furthermore, we think the additional acreage in S. 2032 is warranted.

Third, the Sangre de Cristo, the deletion from S. 2032 of 14,000 acres that you see in H.R. 5426, is a small percentage of the acreage, but we want to point out that the Sangre de Cristo are the largest and most important nominee for wilderness designation, and we don't think that there is any need to cut back further. When the boundaries were drawn for S. 2032, the motorized vehicle roads that run around the periphery were excluded from the wilderness designation, so those uses could continue. We don't think any further deletions are needed.

In the Lost Creek area, there are some State mineral lands. They apparently were eliminated in H.R. 5426 from the north half of the boundary as they are shown in S. 2032. I want to clear up any misunderstanding about those State mineral lands. There are no mining claims filed with our State land board. There are no leases on that land. We would hope that Congress would include language favoring exchanges for these State lands so that the mineral lands elsewhere can be obtained by the State and the United States will have clear title to everything included within the boundaries.

In short, we do favor inclusion of all the areas in the Lost Creek proposal in S. 2032. We do not favor exclusion of our own State mineral lands.

Finally, some areas are omitted in H.R. 5426. They really should be kept as wilderness study areas and treated in future legislation. Those would include Fossil Ridge and the South San Juans.

Now finally I wanted to say a few words on the reserved water rights issue which is found in section 7 of Senator Armstrong's bill.

We in the West, of course, are deeply concerned that reserved rights not cast a cloud of uncertainty over water uses. The unquantified nature of such rights can frustrate needed investment and development of resources that depend on water.

Reflecting our desire for certainty, Senator Armstrong has included a provision in his bill to deal with the reserved rights question. We believe that the reserved rights problem in wilderness areas is not as great as the solution in section 7 of S. 2916 might suggest. Because most wilderness areas in Colorado and elsewhere were recently created and are typically high in the mountains, the threat of any reserved rights to junior water appropriators is kept small, and of course, senior water users whose rights predate the wilderness designation have rights superior to any right of the Government for wilderness purposes.

In any event, we believe that the most the United States would get if it were successful in establishing reserved rights would be a minimum quantity of water needed to fulfill the purposes of designating the wilderness.

Now Congress apparently recognized that the question of whether there are reserved rights in wilderness and what the size of those rights might be deserve careful judicial or congressional thought, and they in the 1964 Wilderness Act left the reserved right question open. The proposed section 7 would go back and answer that question but without the consideration that it requires.

When considering the reserved right question, Congress should address how wilderness characteristics are to be protected from water depletions that could erode wilderness values that we think are vital to our recreational economy and our fish and wildlife resources. That protection may most properly be achieved by appropriations of water pursuant to State law, but if the issue is going to be decided, we need to understand the practical consequences and to hear from a variety of interests before Congress acts.

The wisest and most advisable course of action now would be to maintain the status quo by enacting the 1984 wilderness bill without the proposed section 7 language. The United States has not claimed a reserved water right for any wilderness area, and the issue has not arisen and is not likely to arise in any context that creates present problems for water users. There is simply no urgency for dealing with it. There is time to deal with it more thoughtfully and comprehensively later, but there is some urgency for wilderness designation for a number of areas now that need protection from development and overuse.

We would strongly urge the issue be dealt with, but that should be in a separate nationwide legislative debate after some careful deliberation.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Getches follows:]

Testimony of David H. Getches

Before the Public Lands and Reserved Water Subcommittee of the Senate Energy and Natural Resources Committee on Colorado Wilderness Bills S. 2032 and S. 2916

Chairman Wallop and members of the Committee, I am David H. Getches, Executive Director, Colorado Department of Natural Resources. Thank you for the opportunity to present testimony to the Subcommittee on the Colorado wilderness bills (S. 2032 and S. 2916). I present this testimony on behalf of the State of Colorado, Governor Richard D. Lamm, and myself.

We are proud that Colorado was at the forefront of wilderness designation. Fortunately we have avoided the acrimony and wasteful litigation that has plagued many states following the U.S. Forest Service's RARE II process. Aggressive bipartisan work by our congressional delegation led to decisive action by Congress on the 1980 Colorado Wilderness Act. That Act added 1.4 million acres of designated wilderness in our state to the National Wilderness Preservation System. It also designated 12 wilderness study areas and six further planning areas in Colorado. Those areas have been studied by the U.S. Forest Service and by the state. Representatives of the Department of Natural Resources and the Governor's Office have viewed most of the sites and have reviewed available information and alternative boundaries for all the sites. There has been consultation with representatives of diverse interests -- recreational, agricultural, mining, local government, ranching, oil and gas, and environmental. We have satisfied ourselves that the sites and boundaries I recommend today succeed in striking an appropriate balance between many competing interests.

The state agreed on all areas that were ultimately included in S. 2032. These carefully defined areas totalling 735,815 acres were the result of extensive research on the ground, investigation, and compromise. Although this is some 470,000 acres less than conservation groups initially urged, we think that the boundaries we support will assure maximum protection of some of our most important wilderness areas while accommodating reasonable development, especially as it relates to existing rights.

We are delighted that Senators Hart and Armstrong and Congressmen Kogovsek and Wirth have introduced 1984 wilderness legislation and we encourage their continued strong bipartisan support. The House took positive action and passed a version of the 1984 Colorado Wilderness Bill which includes 583,500 acres. We would support wilderness designation for the areas included in that bill with some changes, specifically more adequate acreages for such proposed areas as Buffalo Peaks, Wheeler, and the Sangre de Cristos. A few omissions of areas (e.g., Fossil Ridge, South San Juan Additions) presumably can be rectified in future legislation. With time running short in this Congress, we sincerely urge the Senate to act swiftly so that this nation will have a 1984 Colorado Wilderness Bill to help satisfy the growing appreciation for wilderness. The objective must be to enact the best bill on which consensus can be reached in the time available. We should not allow the effort to be side-tracked on collateral issues of only remote current importance such as the reserved water rights question that has only recently been discussed.

Roderick Nash in Wilderness in the American Mind wrote that "wilderness was the basic ingredient of American civilization. From the raw materials of the physical wilderness America built a civilization; with the idea of symbol of wilderness they sought to give that civilization meaning." We have come a long way from the contempt expressed by William Bradford when he described what he saw as he stepped off the Mayflower as a "hideous and desolate wilderness." One of the first to seek out wilderness for its attractive mysteries and beauties was de Toqueville who observed in 1831 that Americans are "insensitive to the wonders of inanimate nature," interested only in subduing it. But after the frontier closed, Americans' attitudes eventually changed to widespread appreciation and attraction for wilderness. Nash says that wilderness appreciation "represents one of the most remarkable intellectual revolutions in the history of human thought about land."

Wilderness now enjoys such tremendous popularity that it is becoming scarce and, in some cases, overused. Specifically, demand for wilderness is growing rapidly as Colorado's population grows. This is especially apparent in Colorado where recreation is so vitally important and in ever increasing demand. Recreation is our second largest industry with over 447 million recreation visitor days expected next year. As enthusiastic crowds seek the splendid experiences of the wilderness, they threaten the very quality of this nonrenewable resource. Thus, expanding heavily-used existing Colorado wilderness areas and adding some new areas in Colorado to the Wilderness System is essential.

As high tech thrives in the state, so is there an increasing tendency for people to seek out primitive forms of recreation. John Naisbitt, in *Megatrends*, offers an explanation for this. He says that we are compensating for the impersonal nature of technology all around us by developing a highly personal value system. As long ago as 1950 George W. Kelley, as President of the Colorado Forestry and Horticultural Association, testified that "wilderness areas have become a spiritual necessity, an antidote to the strains of modern living." As the material wonders of technology skyrocket, so does the need to balance the spiritual demands of our human nature. Never has the need for this balance been greater in Colorado.

First, I will focus on the proposed additions to the eight existing wilderness areas.

Lost Creek Further Planning Area.

The 11,000-acre addition to the existing Lost Creek Wilderness would provide necessary expansion of a popular, now overutilized low-elevation wilderness area within an hour's drive southwest from Denver. The area is one of the few places to enjoy the wilderness experience during spring and fall months when high elevation areas are inaccessible because of packed or melting snow. The massive, colorful outcroppings of huge boulders in the Lost Creek area make the trip here an unusual and unforgettable scenic wilderness experience. The state's ownership of minerals in the proposed expansion should not preclude wilderness designation. No mining claims have been filed nor has any of the area been leased for mineral development. We strongly support wilderness designation for these acres notwithstanding the presence of some state lands, but we encourage a specific congressional directive to seek equivalent exchanges for state-owned mineral lands.

Oh-Be-Joyful Wilderness Study Area.

We support the addition of 5,500 acres just north of Crested Butte in Gunnison County to the Raggeds Wilderness. The importance of the extraordinary wilderness qualities of Oh-Be-Joyful is evidenced by overwhelming public support. We think these values outweigh the relatively remote possibility that molybdenum might need to be mined there, given the existence of major deposits elsewhere in the United States. We understand that all mineral leases have expired on the area.

Wheeler Geologic Study Area.

This area as proposed in S. 2032 would add 29,350 acres to the existing LaGarita Wilderness. The addition is of particular importance to the State of Colorado. The state has, with the cooperation of the U.S. Forest Service, officially designated 640 acres as the Wheeler

Geologic Natural Area because of the area's nationally significant geologic formation -- a spectacularly carved phenomenon of colorful volcanic tuff deposited 26 million years ago and since carved by the weathering forces of nature. Wilderness designation would provide a buffer of necessary protection to the vulnerable site and protection to the nearby Wasson and Silver Parks with their scenic, open qualities. Motorized access within the designated natural area is prohibited by the agreement designating the site. Motorized access to the Colorado Natural Area through the wilderness could be availble on a permit basis for those who are unable to walk or horse ride. A National Monument designation, as proposed in the House-passed version of the Colorado Wilderness Bill, may be appropriate if the area were properly managed.

South San Juan Expansion Wilderness Study Area.

The two proposed additions to the South San Juan Wilderness totalling 32,800 acres (V-Rock and Montezuma Peak) are about 50 miles south and west of Alamosa, the primary population center in the San Luis Valley. The proposed additions should not be released to multiple use management since they comprise some of the most remote and wildest areas remaining in the State of Colorado. In fact, the first and only grizzly bear to be found in Colorado in over 30 years was near Montezuma Peak. The boundaries were carefully drawn to avoid the Chama Basin, an area of important oil and gas potential.

Davis Peak Further Planning Area.

The 22,340 acres of this area north of the popular recreation area of Steamboat Springs is a logical addition to the Mount Zirkel Wilderness, as it includes the important headwaters of the Elk and Encampment Rivers, and provides important big game habitat. The addition is a good one because the lower elevation ecosystem with its numerous open parks will complement with existing rugged, alpine wilderness.

West Needles and Weminuche Wilderness Study Areas.

These areas adjoin the existing Weminuche Wilderness between Durango and Silverton. The 33,000 acres that should be added include the West Needle Mountains from the ridge west of Cascade Creek to just south of East Lime Creek. It also assures that Emerald Lake is within the established wilderness area. Mineral conflicts are prevented by drawing the boundaries to avoid three parcels around Molas Lake, Deer Park, and north of Highland Mary Lakes.

American Flats Wilderness Study Area.

This obvious 1,505-acre addition to the existing Big Blue Wilderness is on public land managed by the Bureau of Land Management (BLM) about 15 miles west of Lake City. It has been recommended for wilderness designation by BLM. The addition will insure the long-term protection of the high altitude portion of the Big Blue Watershed.

Spruce Creek Addition Wilderness Study Area.

Adding an 8,000-acre wilderness area in Pitkin County as recommended by the Forest Service will protect a roadless area that includes Spruce Creek and Spruce Trail. The area is habitat for mountain lion, lynx, white tail ptarmigan and the specially protected Colorado cutthroat trout. The area is bounded on three sides by the Hunter-Fryingpan Wilderness to which it will be an addition.

I now turn to the new wilderness areas proposed for Colorado

National Park Wilderness Areas.

We support wilderness designation for 435,625 acres within National Park Service administered lands in Colorado as proposed by Senator Armstrong in S. 2916. However, because such areas are already managed in a way that will protect their wilderness characteristics, designation of areas with National Forests and on BLM lands pose a more urgent need for action and should therefore be the top priority in the 1984 Wilderness Bill.

Buffalo Peaks Wilderness Study Area.

The 57,430-acre proposed wilderness area is enclosed by boundaries which were adjusted to exclude the heavily mineralized area around Weston Pass and Low Pass Gulch. This area is within easy reach of visitors from the urban areas of the central front range. The area, especially near Marmot Peak, Pony Creek, Black Mountain, and Sawmill Gulch contains some of the best bighorn sheep habitat and game winter range in Colorado, as well as habitat for the state endangered Canada lynx. The Colorado Department of Natural Resources' Division of Wildlife, the agency responsible for Colorado's wildlife, including those on federally-managed lands, strongly supports wilderness designation as proposed in S. 2032 because of potential negative impacts on wildlife if the area is not protected. The mineral and fuelwood cutting values in the area simply do not justify exclusion of lands from the Buffalo Peaks Wilderness Area when compared to the area's overriding wildlife and wilderness values.

Service Creek Further Planning Area.

Fifty thousand four hundred fifty acres of wilderness would be designated southeast of Steamboat Springs in a breathtaking area of the Northern Gore Mountain Range. The area would assure protection for vital big game habitat and must include the headwaters and watersheds of Silver, Service, and Harrison Creeks to preserve the integrity of the downstream aquatic ecosystem and wilderness.

Fossil Ridge Wilderness Study Area.

Designation of a 55,560-acre wilderness area will help meet increasing user demands and protect an area of dramatic beauty from deterioration and overuse. The area contains extensive riparian wetlands, an exquisite panorama from any point along the ridge, and important wildlife habitat. The area's limestone bedrocks and outcroppings contain 300 to 600 million year old fossils which represent nearly all of Paleozoic history. Because of the limestone buffer, the area will likely resist poisoning from acid precipitation and might provide a controlled study area in the Central Rockies for acid deposition effects on the lives of rivers and lakes. Small parcels containing mineral claims and private lands along Cameron Creek and Cross Creek are outside the proposed boundaries. We have information that uranium and gold may be recovered from the proposed wilderness, but market conditions and other uncertainties argue against releasing this high-quality wilderness area to allow for mineral development.

Piedra Wilderness Study Area.

Establishing this 49,180-acre area in Archuleta and Hinsdale Counties as a wilderness area would add slightly to the Forest Service recommendation, which wisely includes all of the Piedra River. The Piedra is a recommended wild and scenic river and it represents one of Colorado's best trout fisheries. The Colorado Division of Wildlife has verified the successful reintroduction of the river otter, a state-endangered species, into the Piedra River, Little Sand Creek, Weminuche Creek, and Piedra First Fork, making designation of the full acreage imperative.

Sangre de Cristo Wilderness Study Area.

The Sangre de Cristo Mountains comprise our largest proposed wilderness area -- nearly one-quarter million acres. These beautiful mountains reflect the cultural heritage of Colorado and are the home of black bear, cougar, elk, bighorn sheep and eagles. A wilderness area should encompass the Lily Lake area in the southern portion of the range which provides wilderness access to Blue and Como Lakes. It should also include Blanca Peak, one of the most spectacular 14,000-foot peaks in Colorado. Another fourteener, Little Bear Peak, and Goodwin Lakes, Cloverdale Basin and Brush Creek should also be included in a Sangre de Cristo Wilderness. Medano Lake should remain closed to motorized vehicles, although Medano Pass, the Rainbow Trail, and parts of the spectacular Commanche/Venable Trail would remain open for some motorized recreation. The heavily used Crestone Needles area could be preserved from degradation by closing off the trail into South Colony Lakes.

Spanish Peaks Wilderness Study Area.

With an adjustment to allow access to the Bull's Eye Mine, virtually all of the study area acreage should be designated as the Spanish Peaks Wilderness. The well-known twin volcanic peaks, a distinguished natural landmark rising majestically southwest of Walsenburg, was designated a National Natural Landmark on January 1, 1976, by the National Park Service. The western peak is of particular geologic significance with its volcanic dikes radiating out from the center plug like the spokes of a wheel.

St. Louis Peak Further Planning Area.

The St. Louis Peak area borders the existing Fraser Experimental Forest in Arapahoe National Forest. It is easily accessible to the rapidly growing population of the Front Range. The boundaries proposed in S. 2032 were carefully drawn to avoid conflicts with concerns of AMAX and the Denver Water Board.

Williams Fork Further Planning Area.

The State of Colorado has not previously recommended wilderness designation for this area because of important water rights held by the Denver Water Board. The boundaries as proposed in the House-passed version of the wilderness bill have apparently resolved any conflicts. If so, we support designation. The Colorado Division of Wildlife has verified that the area, in close proximity to Denver, is important for big game.

Cannibal Plateau Further Planning Area and Powderhorn Primitive Area.

The boundaries recommended by BLM for the Powderhorn Area are logical and manageable and we are pleased to see Powderhorn proposed for wilderness in S. 2916. The boundaries proposed for the Cannibal Plateau

Area in S. 2032 would preserve the integrity of the area while excluding areas now used by snowmobiles on Mesa Seco and south of Brush Creek. Wilderness designation of Mesa Seco would provide an area of continued biological research for Rocky Mountain Biological Laboratory, Stanford University, and the University of Illinois.

Vasquez Peak and Greenhorn Mountain would also be fine additions to the Wilderness System.

Reserved Water Rights.

No court has ruled on the nature or extent of any reserved water rights that may have been created in wilderness areas. We in the west are deeply concerned that reserved rights not cast a cloud of uncertainty over water uses. The unquantified nature of such rights makes it difficult for those with water rights junior to establishment of a federal reservation to know how valuable or extensive their rights are. This can frustrate needed investment and development of resources that depend on water.

Reflecting our desire for certainty, Senator Armstrong has included a provision in his bill to deal with the reserved rights question. Unfortunately the provision as drafted is not an appropriate solution to the problem of uncertainty.

The reserved rights problem is not as great as the solution in Section 7 of S. 2916 might suggest. Because most wilderness areas were recently created and are typically high in the mountains, the threat of any reserved rights to junior water appropriators is kept small. And of course senior water users -- those whose rights predate the wilderness designation -- have rights superior to any rights of the government for wilderness purposes. In any event, we believe the most the United States would get if it were successful in establishing reserved water rights would be the minimum quantity needed to fulfill the purposes of designating the wilderness. Most likely, then, a court should allow junior diversions up to the point destruction of wilderness characteristics was threatened.

A troubling aspect of Section 7 is that it goes too far. It retroactively waives any reserved rights tha* may be necessary to protect established and future Colorado wilderness areas. Apparently recognizing that the question deserved careful congressional or judicial thought, Congress in the 1964 Wilderness Act wisely left the reserved rights question open. The proposed Section 7 would go back and answer the question, but without the consideration it requires. It is especially objectionable to us in Colorado that wilderness areas in our state might become a second class of wilderness within the national system.

When considering the reserved rights question Congress should address how wilderness characteristics are to be protected from water depletions that may erode wilderness values that are vital to our recreational economy and our fish and wildlife resources. That protection may most properly be achieved by appropriations of water pursuant to state law. But if the issue is to be decided for Colorado alone, we need to understand the practical consequences and to hear from a variety of interests on the issue. Furthermore, Section 7 as written actually creates new ambiguities in the law of reserved rights.

The wisest and most advisable course of action now would be to maintain the status quo by enacting the 1984 Colorado Wilderness Bill without the proposed Section 7 language. The United States has not claimed a reserved water right for any wilderness area and the issue has not arisen and is not likely to arise in any context that creates present problems for water users. There is simply no urgency for dealing with it; There is time to deal with it more thoughtfully and comprehensively later. But there is some urgency for wilderness designation for a number of areas now that need protection from development or overuse. If it would facilitate enactment of a Colorado Wilderness Bill this year we could support a provision that limited the quantity of any federal reserved water rights to the minimum necessary to preserve wilderness characteristics and fixed the priority date no earlier than the date of legislative designation. We would strongly urge, however, that the issue be dealt with, if at all, in separate, nationwide legislation after careful deliberation.

State-owned Inholdings.

I want to raise a special issue concerning state inholdings that are scattered throughout existing and proposed wilderness areas in Colorado. I recommend that Congress consider ways to address the inholdings problem. The State Land Board is under a constitutional mandate to manage its lands to earn maximum revenue from its lands primarily for the state school fund. This purpose, like the purposes of private landowners, may conflict with management of wilderness. All told, the inholdings are relatively few and could be dealt with by land exchanges. Because land exchanges are complex undertakings and are often pushed to the bottom of the agency's priority list, I recommend that Congress consider a provision mandating that within five years of enactment of the 1984 Colorado Wilderness Bill, the Forest Service and the Bureau of Land Management should attempt to purchase state inholdings in wilderness areas by negotiated purchase or acquire them by land exchanges.

Some proposed wilderness areas, such as the Sangre de Cristos, Greenhorn Mountain, Spanish Peaks and Fossil Ridge, contain private inholdings and patented mining claims. We encourage their wilderness designation along with a provision in the bill that would encourage the U.S. Forest Service and the Bureau of Land Management to pursue voluntary land trades or to negotiate voluntary purchases of the inholdings. An increase in appropriations through the Land and Water Conservation Fund may be necessary for these purchases, and we would support such increases for these purposes.

* * * *

Now is the time for Congress to act to preserve the areas in Colorado that have true wilderness qualities. The areas I have identified deserve to be designated for wilderness use and enjoyment by all of us and by future generations whose need for the wilderness experience will be even greater than ours is today. I strongly urge your favorable consideration of the areas to ensure that they will be managed, maintained and nurtured as wilderness. The quality of life of Americans today and in the future will be enhanced by the opportunity to view the magnificent areas and to experience the simple, natural solitude that can be found there.

Senator **Wallop**. Thank you, Mr. Getches. I hesitate, but I guess I will characterize your testimony on the water rights question as a typically political problem that all of us in politics have indulged in at one time or another, namely, sitting on the fence with both ears to the ground. It is awkward, but political people seem to know how.

The problem that I see with your statement in here is that you have correctly in my estimation characterized the situation that exists with uncertainty over a Federal reserved right which has not been established, and you say that you have desire for certainty, that Senator Armstrong's provision goes too far, then offer no goal short of that other than waiting and saying that the United States has not claimed a reserved right, yet it is in court now because it has not, with some people seeking to force it to.

Once that is established, then according to any State law which I know, those that have been established by that decision will have prior estate, whatever Congress does, and there is in my estimation, therefore, some urgency in dealing with it.

Let me ask you this. Do you believe that wilderness designation creates a Federal reserved water right?

Mr. **Getches**. I don't think that it necessarily does. There are some arguments unique to wildernesses that perhaps might separate them from other Federal reservations. The Supreme Court has told us whenever the United States reserves lands for a particular purpose from the public domain, that the reserved rights attach, but no court has yet decided that there might be reserved rights in the wilderness, and that issue perhaps will be and needs to be litigated. It is not presently before any court, and that is why I believe that it is not imminent that the issue be solved by Congress suddenly this year.

It has been around 20 years or more. It is an issue that in that 20-year period has not cried out for a solution because of any serious problems on the ground. The reserved rights have not been asserted in any court by the United States. I think we have got a year or two in which we can look at the problem and solve it thoughtfully.

Senator **Wallop**. Well, Colorado was the beneficiary of a decision which may become the victim of United States versus New Mexico, Colorado versus New Mexico, the issue of primary versus secondary water rights, and I would ask you isn't wilderness areas designation supplementary to the purposes of national forest for purposes of the reserved right doctrine?

Mr. **Getches**. Yes; I believe that the Wilderness Act says that national forest wilderness shall be a supplementary purpose to the purposes for which national forest was established. That gives us an argument to distinguish wilderness areas in national forests at least from other reserves.

Senator **Wallop**. Doesn't that create a worry for you?

Mr. **Getches**. Well, no; it doesn't.

Senator **Wallop**. Well, does Colorado have the means to create and administer in-stream flow water rights and wilderness within its system?

Mr. **Getches**. Yes; it does.

Senator **Wallop**. Have you examined the various wilderness areas that are in this bill and water rights in Colorado to see how they might be affected by claims for reserved water right?

Mr. **Getches**. I can't say that I personally have examined each and every area. We haven't heard any suggestions of problems that would be created by establishing wilderness that relate to reserved water rights.

Senator **Wallop**. Can't Federal reserved water rights for in-stream flows block or prevent needed changes for more senior water rights?

Mr. **Getches**. It is conceivable that they could if those rights were going to be somehow interfering with or utilizing the in-stream flows that the United States had appropriated.

That would also be true of any other appropriation of in-stream flows, including those appropriated pursuant to State law.

Senator **Wallop**. Doesn't that concern the State of Colorado, that conceivability?

Mr. **Getches**. Well, the State of Colorado regularly appropriates in-stream flows through its water conservation board, and in those instances, it is necessary for us, the State, to go in and tell senior water users who want to change and come into conflict with those rights that sorry, the water is already appropriated, so that value is already reflected in our State law.

Senator **Wallop**. Isn't this an additional burden on senior water users?

Mr. **Getches**. Well, it could be additional, but we don't know what that quantity is.

Senator **Wallop**. Wouldn't it, therefore, be advisable in the interest of certainty to try to eliminate as much as possible of that uncertainty which you testified to as being a matter of great concern?

Mr. **Getches**. Yes, Mr. Chairman, I agree, and I so testified. I think we should clear up the uncertainty. I merely think that it ought to be done in a thoughtful manner with some reflection, and it shouldn't be, the solution to the issue shouldn't be the condition of getting our wilderness bill passed.

Why should Colorado's wilderness bill be held hostage for the solution of a problem that has been around 20 years?

Senator **Wallop**. That is up to you and the State of Colorado. I mean if Colorado wishes to place its water rights on the line, clearly it is not up to anyone else to tell them not to. But I am certain that there must be some people in the State of Colorado who have some concern as to the consequences of this lawsuit or the potential consequences.

Mr. **Getches**. You are referring to the Sierra Club lawsuit?

Senator **Wallop**. Absolutely.

Mr. **Getches**. We are not very concerned about the Sierra Club lawsuit. At the risk of offending some people, I don't think when the Sierra Club pleads something it is necessarily so.

Senator **Wallop**. I agree, but it is what then?

Mr. **Getches**. Well, I don't think that that will be despositive. I think if the Sierra Club got a summary judgment on what it is pleading in its complaint, it wouldn't establish any reserved rights in the wilderness. They haven't sought to establish reserved rights in wilderness areas. The judge has said he would not decide that issue in the Sierra Club case. That issue will be decided if at all in a State court in the reserved rights proceedings that are properly there under the McCarren amendment.

Senator **Wallop**. Let me ask you this. From the standpoint of Colorado, aren't the wilderness areas management restrictions that exist under the Wilderness Act along with the EIS and section 404 procedures enough to protect wilderness boundaries?

Mr. **Getches**. Well, they may or may not be enough. I don't know. I think if they are, the United States will be denied any reserved rights when they come into the State court proceeding and try to assert the reserved right. That was something that the judge in the Sierra Club case has already said. He has indicated that if it can be shown that the wilderness values can be preserved through other than reserved water rights, he is not going to order the United States to go in and assert any rights that they might have.

Senator **Wallop**. Well, he hasn't issued a final opinion on that case, has he?

Mr. **Getches**. No, he hasn't, but he has narrowed the issues through his ruling on motion to dismiss.

Senator **Wallop**. So you are saying that he says and that you believe that the courts will not order the United States to assert a claim that it hasn't chosen to make?

Mr. **Getches**. I think that on that administrative law issue, my best, the lawyers' guess is that no, the judge will not order the United States to assert the claim but assuming the worst, that they do order the United States to assert any reserved rights claims that they might want to make in the pending State court proceeding, that then the issue will be determined in that proceeding, and it will be a narrowly circumscribed right that the United States gets, if any.

Senator **Wallop**. Does Colorado have any suggestion other than to study the situation, as to what should be done with regard to trying to get some certainty in this?

Mr. **Getches**. Yes. I think that that our first and preferred path would be to have Congress look at the issue, look at it separately and thoughtfully at the beginning of the congressional session so that all voices can be heard, but second, if there is a feeling of the majority of this committee or of the Senate that it makes sense to include a provision, I would suggest a provision that limited the reserved right if any to the quantity of water that is the absolute minimum necessary to avoid destruction of wilderness characteristics and made the priority date a date no earlier than the legislative establishment of the wilderness area.

Senator **Wallop**. Thank you, Mr. **Getches**. We appreciate it.

Mr. **Getches**. Mr. Chairman, I have been asked by Mayor Peña of Denver to submit a copy of his testimony to this committee which I will leave here with the clerk.

Senator **Wallop**. Fine. We will receive it. Thank you.

[The prepared statement of Mayor Peña follows:]

Federico Peña
MAYOR

City and County of Denver
CITY AND COUNTY BUILDING · DENVER, COLORADO · 80202

AREA CODE 303 575-2721

STATEMENT SUBMITTED TO THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE, SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

by

MAYOR FEDERICO PEÑA
CITY & COUNTY OF DENVER

September 18, 1984

On behalf of the residents of the City & County of Denver, I would like to thank you for the opportunity to provide written comments on the Colorado wilderness legislation currently being considered by the Senate.

Like many western states, the state of Colorado contains a large number of acres of public land. Nearly 40% of the state's land area is comprised of federal land. Roughly 4% of the state's total land area has been designated as wilderness. The majority of this land lies in the western and southwestern portions of the state.

Colorado's urban population has increased dramatically in recent years. Since the 1960s, Colorado's front range at the foot of the Rocky Mountains has experienced unprecedented levels of urbanization. In the Denver area, the metropolitan population increased from 930,000 in 1960, to 1.6 million in 1980. By the year 2000, the Denver area is expected to be home to 2.5 million people.

With these population increases have come increasing demands for all forms of recreation, particularly outdoor recreation. Available recreation areas that are easily accessible from Denver are subject to increasing usage. In 1983, the Indian Peaks Wilderness area and Rocky Mountain National Park, both located a short distance from Denver, received 150,000 and 2.7 million visitors respectively. This past summer, a permit system was instituted in the Indian Peaks area in order to regulate the large volume of visitors. The addition of another 1 million residents to the metropolitan area by the year 2000 can be expected to further exacerbate this situation.

We in the City & County of Denver are concerned with the preservation of wilderness areas for two primary reasons. First, we have a strong desire to insure that our half a million residents have a wide range of recreation opportunities available to them. Toward this end, we spend more than $20 million annually to provide parks and recreation activities in the city. We also own and maintain approximately 15,000 acres of mountain parks scattered throughout adjacent mountain counties. These services and facilities, however, are not nearly enough to meet all of the recreation needs of Denver residents. Nor do they provide the same types of opportunities that wilderness areas provide. Therefore, we must rely in large part on public lands that are accessible from Denver to meet these needs. Our primary concern is that sufficient land area be preserved as wilderness in locations capable of being readily accessed by Denver residents.

Our second concern is mainly economic. Recreation and tourism are major components of the state's economy. As the state's primary urban center, Denver serves as a gateway to the mountains for residents and visitors alike. It has been estimated that nearly 50% of all dollars spent on hunting and fishing in the state of Colorado are spent in Denver. Many segments of our city's economy depend directly or indirectly on the availability of recreation opportunties in the nearby mountains. Wilderness areas accessible for Denver do make a significant contribution to the Denver economy.

With these thoughts in mind, I would like to briefly discuss four potential wilderness areas which could help to meet the needs of residents of the Denver area.

The first is Buffalo Peaks, an area located southeast of Leadville, Colorado. The House version included 57,000 acres. This area consists mainly of sub-alpine meadows and timbered basins. It provides excellent opportunities for hiking, fishing and hunting. This area is also one of the most productive bighorn sheep habitats in the state, with a herd ranging in size from 40 to 60 animals. The best protection for this habitat would be wilderness designation.

The second area is Vasquez Peak. This area of 12,800 acres lies along the continental divide and contains high alpine peaks and spectacular vistas. The area is adjacent to the Winter Park Ski Area which is owned by the City & County of Denver. The Denver Water Department also owns land in this immediate area. Both entities support a wilderness designation. We support the proposed minor westerly adjustment to the eastern boundary to accommodate the needs of Winter Park and Berthoud Ski Areas for avalanche control and lift construction.

The third area is adjacent to Vasquez Peak. St. Louis Peak, a 12,000 acre parcel of land, is not included in all the proposals, but is in the House-passed bill. We are aware that concerns have been expressed about the potential impact of wilderness designation in this area on the nearby Henderson Molybdenum Mine and vice versa. These issues should be explored. It would be our hope that the operation of the mine and management of the St. Louis peak area as a wilderness will be found to be compatible.

The fourth area is an 11,000 acre addition to the existing Lost Creek wilderness area that was in the House version. The existing Lost Creek wilderness area contains 106,000 acres and is an extremely popular area. The proposed addition will add extensive alpine meadows and significant wildlife habitat. Even though some areas have a higher Forest Service wilderness rating, it is our hope that this addition be included. The proximity to Denver and the fact that it is expanding a heavily used existing wilderness area, makes its inclusion desirable.

The designation of these four areas as wilderness would provide an additional 71,000-92,000 acres of high quality wilderness in close proximity to the residents of Denver and its growing suburbs. These areas are necessary to meet the wilderness proposal passed by the Congress.

As a final point, we believe it is extremely important that the designation of additional Colorado wilderness take place this year. We would hope that concerns over management issues, particularly those related to water rights, will not become an obstacle to Congressional action in this session.

Thank you for this opportunity to submit our testimony.

Senator WALLOP. Next is a panel consisting of Hon. Robert Isaac, mayor of Colorado Springs; Larry Berkowitz, Metropolitan Water Providers of Denver, CO; Tad Foster, assistant city attorney of Colorado Springs; and Henry Teigen, attorney for the Denver Water Department, Denver, CO.

STATEMENT OF ROBERT M. ISAAC, MAYOR, CITY OF COLORADO SPRINGS, CO

Mayor ISAAC. Mr. Chairman, thank you for this opportunity. I am Robert Isaac, mayor of the city of Colorado Springs, which is a city of approximately 250,000 population on the eastern slope of the frontage of the Rocky Mountains in a metropolitan area of something under 350,000 population.

We have a growing city. It has been growing for some time—a large military presence with which you are quite familiar I am sure.

Senator WALLOP. I am very familiar having spent 2 years of my life there.

Mayor ISAAC. Yes, sir; and a very strong and growing high tech industrial base. We have need for additional supplies of water, and we have planned for them and are at the development stage on those. As you well know, having referred to the EIS and 404 permits, these things don't happen overnight. Sometimes they seem like career cases.

I am a member of the Governor's metropolitan water roundtable which was established a couple of years ago to try to come up with a consensus primarily between the eastern and western slopes of Colorado with respect to major issues.

I may have missed part of a meeting. We had one just last Friday, but I don't recall the Governor bringing an issue as important as this one on reserved rights before the roundtable.

Since the filing of the *Sierra Club* v. *Block* case which you are obviously familiar with, based upon your questioning, we have become concerned about the effects of wilderness designation upon the second phase of our Homestake water project. The issue has been raised. It has been raised in that lawsuit. We have been developing this project for several years, and it is the second phase, expansion of the collection portion of the system, and the first phase was construction. As an operation, many of the components of that first phase were oversized, so we have expended money in the expectation of continuing the collection.

In that regard, in the interests of the State of Colorado, even though I don't speak for the State of Colorado, I am here to support section 7 of S. 2916, and I am so interested in it that I am pleased to be able to spend 2 days for just a few minutes before this committee.

I don't think the language that you referred to in the 1980 act covers the situation, and I just don't understand who Mr. Getches represents. He has never contacted us. He said he talked to local governments. I don't know which ones, but not on this issue of water rights, nor was this, as I said, brought before the roundtable that I can recall.

The Homestake project is a joint venture water development project between Colorado Springs and another growing city, Aurora, in the Denver metropolitan area. The construction of phase II has developed 22,400 acre feet of conditional water rights decreed to the cities with a dated, priority date of 1952.

The 1980 Colorado Wilderness Act, as you probably recall, specifically exempted the Homestake project from the wilderness designation. Federal reserved rights based upon wilderness designation, in our opinion, if they exist, subsequently adjudicated under State law, can stop the project entirely, frustrating the clear exemption that had been granted in the 1980 act. Not to say at the least it would frustrate the city of Colorado Springs and the city of Aurora.

Let me say that there was never any doubt on our part on the issue of reserved rights in the 1980 act. If there had been reserved rights with designation or classification of wilderness, then why would we have supported the wilderness even with the exemption? All that would mean is that we could gain access under the wilderness bill to sources of water that we couldn't deliver. It would have accomplished absolutely nothing for us, so our position on section 7 of the S. 2916 is if there is any doubt, don't leave it to the courts. Congress should make it clear, and with due respect for this body, there is only one thing slower than Congress, and that is the courts, and we have been in this project a long time.

Let me explain quickly that the inappropriate treatment in our opinion of the wilderness designation is an additional withdrawal or giving rise to additional reserved rights, what that could do to affect, how it would affect the many rights of the many projects now and in the future of the State of Colorado, the Federal Government could apply, and that is what they are being told to do under the Sierra Club for adjudication of their reserved rights based upon the wilderness, and there would be a decree, and I don't know how to quantify it, of some type of bank full or status quo in all the streams. They use the language in the original act, the purpose was untrammeled. I guess this would be the untrammeled rivers situation, but each of our four diversion points that we have in Homestake II will have to be moved from locations intended in 1952. They have been changed primarily because we changed the development plan from the original surface mining to protect the environment, to respect and to allow the wilderness to be protected through a very expensive tunnel system.

Now if we went to water court, which we are going to have to do to move those points of diversion upstream, and one of the points of diversion we are doing at the request of the Forest Service, in order to be in a more environmentally sound location, then we would have a pretty sure approval of that change of point of diversion because there are no junior rights diverting. But what happens to us if we move even 10 feet and there is some sort of instream bank full junior right? We have to prove that this right has not been damaged, and I am not sure we can do that, and if we can't prove it, then we don't take, and so the entire project is defeated.

Senator WALLOP. Can I ask you to summarize? We will receive your entire testimony.

Mayor ISAAC. I apologize for going on about something that important. I have submitted written testimony as you know and will be available.

We do respect the wilderness. We have done it. We are planning in that manner, and Mr. Foster from our city attorney's office and I will be available to answer any questions.

[The prepared statement of Mayor Isaac follows:]

City of Colorado Springs, Mayor Robert M.
Isaac, presentation to Public Lands and
Reserved Water Subcommittee, September 18, 1984

Good Morning, I am Robert Isaac, Mayor of the City of Colorado Springs. I am here to support Section 7 of S. 2916. Since the filing of the Sierra Club v. Block lawsuit, our City staff have become increasingly concerned about the potential impact of that case upon developing our next Phase in the Homestake Water project. The Homestake Project is a joint venture water development project of the Cities of Colorado Springs and Aurora. Construction Phase II is to develop 22,400 AF of conditional water rights decreed to the Cities with a 1952 priority date. As you may remember, the 1980 Colorado Wilderness Act clearly exempted the Homestake Project from the wilderness designation. (Attachment #1 is an excerpt of that Act containing the exemption). Colorado Springs and Aurora are concerned that federal reserved water rights based upon the wilderness designation could become State adjudicated water rights which, under State water law, could stop the project entirely, and frustrate the clear exemption of the project from the wilderness designation. We support S. 2916 Section 7 as a clarification that where water diversion projects are allowed in wilderness areas because of environmentally sound engineering, federal water rights should not prevent that authorization.

Our concern is that a federal reserved water right for bank full conditions or any amount greater than minimum stream flows required as Special Use Permit conditions might be adjudicated in the State Water Court for all streams in the Holy Cross Wilderness area. If adjudicated, then a junior water right priority could stop the project entirely. This is because a junior water right, for example, with a 1980 or 1984 priority date can not be injured by a senior water right with, for example, a 1952 priority date, when that senior right moves its point of diversion to a new location. Each of 4 diversion points scheduled for construction during Phase II of the Homestake Project will have to be moved from the locations originally intended in 1952. They have to be moved upstream since we changed the original 1952 water development plan from a surface pipeline system to an extensive tunnel system in order to allow and promote the wilderness quality of this area. (Attachment #2 contains Senator Gary Hart's comments in the September 25, 1980, Congressional Record concerning the new design for the Homestake Project and Attachment #3 is a Letter by former Congressman James P. Johnson concerning the design, exemption, and passage of the 1980 Act.). In addition, one diversion site was moved upstream during the U.S. Forest Service permitting process to a site which was environmentally more suitable. When the Cities go to the State Water Court in the next few months for an approval of new points of diversion for the Phase II and other sites in the wilderness, the Cities will have to establish that no injury to a junior water right will occur. If a federal reserved water right for bank full or less condition has been adjudicated in state court and is located at the new diversion site, it could be impossible to show no injury to that junior right. The change of diversion point could not occur; the project could not go forward - not because of any federal agency denial, but because of a state court following state water law.

Attachment #4 is a short legal memorandum on Colorado water law and the rule that a senior water right may change the point of diversion or place of use without losing his right of priority only where the rights of junior appropriators are not injured thereby.

While we are concerned that a federal reserved water right could become a state recognized water right, we expect that the State Water Judge would read the 1980 Colorado Wilderness Act exemption language for Holy Cross Wilderness and hold that such language requires that federal reserved water rights based on the wilderness designation would not be enforced against the Cities' water rights in any way. However, someone may question whether the State Water Judge is bound by the federal exemption language or whether the exemption language applies only to federal agencies. To avoid any judicial uncertainty, should Section 7 of S. 2916 be amended or deleted, we urge that you adopt language assuring that no federal reserved water rights for wilderness purposes shall be pursued by or enforced by any federal or state agency against any water right or project which has been clearly exempted from the impact of wilderness designation. This language should also make it explicit that, in carrying out the intent of the 1980 Colorado Wilderness Act, the Homestake Project is exempt from the wilderness designation, and that no other federal or state action based on that designation can interfere with that exemption. We urge that legislation be clear that where statutory or Presidential exemptions from wilderness designations occur because of environmentally sound practices, that no federal water right - if based on that wilderness designation - be able to interfere with or prevent the project authorized by the exemption.

The Cities obtained the Homestake water rights in good faith reliance upon the purpose of the national forest as a watershed, where access for diversion dams, conduits and tunnels would be allowed. In further reliance, Homestake Phase I was constructed, and it was constructed with the expectation that Phase II would be constructed shortly thereafter. Phase II has been delayed for nearly 15 years by various federal actions. We must get on with the project, or make a claim against the federal government if we are precluded from developing our property rights. We have no other major transbasin water rights to develop. We need this water by 1992, and maybe sooner. We began the permitting process immediately after passage of the 1980 Act, and are diligently proceeding toward completing all permitting. We urge you to avoid causing any delay in the construction of this project. Retaining Section 7 in S. 2916 will be a great help.

This concludes my oral testimony. The following written testimony is to provide to you some factual information which we have learned concerning high mountain water diversions during the U.S. Forest Service and Corps of Fngineer permitting processes on Homestake Phase II.

I and my attorney are ready to answer any questions concerning my testimony, including our factual information about high mountain water diversions in wilderness areas.

Further written testimony concerning water diversion projects in wilderness environments is as follows:

1. Homestake Phase II will consist of 4 widely separated, remote diversion locations.

2. Small, rock-filled dams of less than 10' in height, and designed to harmonize with the terrain, will create ponds of 1 acre or less so as to divert water into drop tunnels. The tunnels will convey the water out of the wilderness.

3. The rock filled dams will be in heavily vegetated areas, screened from public view, remote from trails and at the upper reaches of glacial valleys where a minority of recreational visitors journey.

4. The diversion dams will divert generally from May through July during the peak flow caused by the snow melt runoff until senior water right calls on the Colorado River mainstem shut down the diversions.

5. Since the project will be diverting for a short time, and since it will be diverting so high on the watershed, only 1/3 of the annual water flow will be diverted.

6. While stream flows will be significantly reduced in volume at the point of diversion, U.S. Forest Service Special Use Permit conditions require minimum stream flow to assure aesthetically pleasing flows which will protect fishery habitat.

7. Adding rapidly to the required minimum stream flow to be released at the point of diversion are downstream tributaries, seeps, springs, side channel lakes and wetlands contributing to the volume and velocity of the stream flow.

8. A mile below two diversion points, at the confluence of two streams and near the only hiking trail, the stream is expected to return to near bank full conditions, and to volumes higher than fall or post diversion season natural levels.

9. While stream flow velocity may diminish for a couple of miles below the diversion site, water levels will not diminish more than a few inches.

10. Side channel wetlands will not be dried out by reduced stream flow since side slope flows from mountain-side snowpack runoff, groundwater percolation from fault fractures, on-site precipitation, and extensive beaver activity will continue to maintain the wetlands while also feeding and adding to the stream flow below the diversion points.

11. Reduced stream flow velocities may actually aid trout arrival by reducing the washing out of scarce food supply.

12. Water quality should not change because of the diversions.

13. For most recreational users, the wilderness experience should be undiminished. Few will know of any diversion activity; fewer yet will notice any evidence of diversion activity. Most will never be in the vicinity of the project.

Should you desire a slide show to portray the above points, we can schedule it for another time. Thank you for your attention and thoughtful assistance.

ATTACHMENT #1

The Holy Cross Wilderness, consisting of approximately one hundred thirty-four thousand acres in the San Isabel and White River National Forest, as generally depicted on a map entitled "Holy Cross Wilderness Proposal", dated June 1980: Provided: That no right, or right of claim of right, to the diversion and use of existing conditional water rights for the Homestake Water Development project by the cities of Aurora and Colorado Springs, shall be prejudiced, expanded, diminished, altered, or affected by this Act, and that nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof.

(Act Dec. 22, 1980, P.L. 96-560, Title I §102(a), 94 Stat 3265)

ATTACHMENT #2

The bill includes a statutory exemption allowing construction and operation of the Homestake Water project planned by the cities of Colorado Springs and Aurora. This water project will supply water which is necessary to meet the future municipal needs of these growing cities. Recognizing the important wilderness values of the Holy Cross areas, the project sponsors already are designing the project to reduce its interference with those wilderness values. For instances, access for construction within the wilderness will be by helicopter, horseback, or through underground tunnels; and the water will be diverted through a system of diversion structures designed to blend into the natural environment as much as possible and of underground conveyance tunnels.

(Comments of Senator Gary Hart, Sept. 25, 1980, Congressional Record.)

LETTER 5

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June 8, 1982

Mr. Victor K. Weyers
Project Coordinator
White River National Forest
P. O. Box 948
Glenwood Springs, CO 81601

Dear Mr. Weyers:

Pursuant to your request, I have examined the Draft Environmental Impact Statement with respect to the Homestake Water Diversion Project, Phase II. I am not qualified to discuss the more technical aspects of the statement, but I can tell you that Appendix B, "Excerpts from Congressional Documents and Legislation", is representative of the statements and deliberations and the intent of Congress at the time the bill was passed.

As you know, I was the author of the bill that passed the House. I traveled the proposed Holy Cross wilderness area for a week. Those of us involved in preparing the legislation were aware of the ownership of water rights by the cities of Aurora and Colorado Springs. The excerpts from the law as published in Appendix B utilized the same language Congressman Frank Evans and I developed for the Hunter-Frying Pan wilderness area and the Frying Pan-Arkansas project.

I do not write this as one who necessarily endorses the Homestake Project. The realities of the legal and political requirements at the time of passage of the wilderness bill must be acknowledged. The bill would not have passed had there been no provision for the Homestake Project and the intent of Congress was that the rights of the cities involved not be "prejudiced, expanded, diminished, altered or affected" by the passage of the wilderness bill.

It was also the intent of Congress that, insofar as possible, the project be located underground, as was the case in the Hunter-Frying Pan diversions and, as noted in Appendix B, "the Committee

LETTER 5 (Continued)

Mr. Victor K. Weyers
June 8, 1982
Page Two

determined that the project, as planned, would not be incompatible with wilderness designation.

I hope this explanation will aid you in your deliberations. Thank you.

Yours truly,

James P. Johnson

ATTACHMENT #4

CITY OF COLORADO SPRINGS
COLORADO

INTER - OFFICE MEMORANDUM

Date: September 14, 1984

To: Tad S. Foster, Assistant City Attorney

From: Michael J. Heydt, Senior Corporate Attorney

SUBJECT: Colorado Water Law/Change in Point of Diversion

If there is one premise of Colorado Water Law which has been clearly articulated and affirmatively expressed it is this: one has acquired the right to divert waters of a stream may change the point of diversion or place of use without losing his right of priority only where the rights of junior appropriators are not injuriously affected thereby. Sieber v. Frink, 7 Colo. 148 2 P. 901 (1883). In fact, there are some forty additional reported Colorado Appellate cases which uphold this point of law. Indeed, the fact that a proposed change in the point of diversion of a water right will result in benefit to more land and to more people than it will injure cannot justify the changes against junior appropriators whose decreed rights would be injured thereby. Monte Vista Canal Company v. Centennial Irrigating Ditch Co., 24 Colo. App. 496, 135 P. 981 (1913).

Thus, the applicant for an order permitting the change of points of diversion of water has the burden of proof of showing that the rights of junior appropriators will not be injured. Trinchera Ranch Co. v. Trinchera Irrigation District, 89 Colo. 170, 300 P. 614 (1931). In essence, there is a limitation on the vested right of an owner of a water right to change a point of diversion by the placement of an express condition upon that power which mandates the protection of junior appropriators rights. Vogel v. Minnesota Canal & Reservoir Co., 107 P. 1108, 47 Colo. 534 (1910).

Importantly, one must remember that the judicial review on the issue of injury is without discretion. In essence, the right to change the point of diversion is a right which is exercisable only when no injury will result to others, and may be granted in instances where injury occurs to others only if those persons may be fully compensated by augmentation or other necessary conditions set forth in the decree approving the change of point of diversion. Klein v. McDowell, 132 Colo. 37, 284 P.2d, 1056 (1955). To put it another way, the junior appropriator has a vested right in the continuation of the stream conditions as they existed at the time of the junior appropriator's decree, and subsequent to that decree, the junior appropriator may successfully resist all proposed changes in points of diversions which injuries or adversely affects his rights. Green v. Chaffee Ditch Co., 150 Colo. 91, 371 P.2d 775 (1962).

ATTACHMENT #4

OS 417-76

In turning once again to the Homestake II water project, it is critical to understand that it will be necessary for the City to make minor changes in points of diversions for the project. This is because of the new engineering requirements necessitated by the tunnel design, and the errors in surveying the original diversion sites in 1952.

Assuming for purposes of argument that it is necessary for the City to move its diversion point 10 feet upstream within the wilderness area, and assuming that junior Federal reserved water rights for bank-flow stream conditions exist with a 1980 appropriation date, it becomes imminently clear that if the Cities were to change in 1984 a point of diversion decreed in 1952 then, under the above legal premises with respect to change in the point of diversion, the Cities water rights will be effectively destroyed, inasmuch as the Cities will be required to continue those bank flow conditions for that 10 foot stretch of stream from the new point of diversion to the old point of diversion. There is no way a water right can be exercised and still keep bank-full conditions.

From the old point of diversion downstream to the stream's confluence with the Eagle River, regardless of the distance, the City would have the absolute right to divert water therefrom. In other words, the extent of the Federal reserved water rights in this particular scenario would be 10 feet, and enforcing those rights under Colorado Water law would have the effect of denying the Cities their entire senior water rights from that stream. As was indicated above, Colorado Water law precludes a balancing test from being applied by the Water Court, and therefore, the water judge is incapable of attempting to balance the interests of the Cities of Colorado Springs and Aurora for the need of their water for their citizens as against the requirement for providing for 10 feet of bank flow waters from the original point of diversion to the new point of diversion. Furthermore, keep in mind that that diversion would only occur for approximately three months out of the year. In essence, then, the argument being proposed for the Federal reserved water rights in the wilderness area would result in the destruction of the Cities of Colorado Springs and Aurora's water rights in order to allow for bank-full conditions to exist in short durations of the stream only from the original point of diversion to the new proposed point of diversion when that diversion would only occur for approximately three months out of the year. This is in the face of the fact that the stream is already protected during the diversion season by minimum stream flow requirements which have been imposed by the Forest Service as a part of the Environmental Impact Statement and FLPMA permitting process.

In returning to this concept of federal reserved water rights and their relationship to wilderness areas, and the Holy Cross Wilderness area in particular, it is critically important to understand that the designation of the Holy Cross Wilderness area was made subject to the ability of the cities of Colorado Springs and Aurora to exercise their right to divert pursuant to their decrees which were approved under the Colorado Prior Appropriation and State Water Rights Administration system. (Act Dec. 22, 1980, P.L. 96-560, Title I §102(a), 94 Stat 3265:

> "...(a)(5): Certain lands in the San Isabel and White River National Forests, Colorado, which comprise approximately one hundred and twenty-six thousand acres, as generally depicted on a map entitled 'Holy Cross Wilderness-Proposed', dated November 1980, and which shall be known as the Holly Cross Wilderness: Provided, That no right, or claim of right, to the diversion and use of existing conditional water rights for the Homestake Water Development project by the cities of Aurora and Colorado Springs shall be prejudiced, expanded, diminished, altered, or affected by this Act [for full classification of this Act, consult USCS Tables volumes]. Nothing in this Act [for full classification of this Act, consult USCS Tables volumes] shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance or repair or said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof.")

As was held in Cappaert v. United States, 426 U.S. 128 (1976),:

> "This Court has long held that when the Federal Government withdraws its lands from the public domain and reserves it for a federal purpose, the government, by implications, reserves an appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation. In doing so the United States acquires a reserve water right in the unappropriated water which vests on the date of the reservation and is superior to the rights of future appropriators." (page 138) (emphasis supplied)

It is important to note then, that the United States Supreme Court has held that the Federal reserved water right is appurtenant to the land which has been removed from the public domain and placed in reserve for a federal purpose. If there is any merit whatsoever to the exemptions which have been given to the cities of Colorado Springs and Aurora by Congress to divert water from Holy Cross Wilderness area, then that exemption must as well apply to federal reserved water rights which are appurtenant to the wilderness area itself. For to do otherwise would be to destroy the exemption which was established by Congress. Surely this could not have been the intent of Congress in establishing the exemption in the first place when the language of the exemption is so clear and unambiguous.

MICHAEL J. HEYDT
Senior Corporate Attorney

MJH:cmf

ATTACHMENT #4

Senator WALLOP. We appreciate it.

Mr. Berkowitz.

STATEMENT OF LARRY BERKOWITZ, CITY ATTORNEY, LITTLETON, CO, ON BEHALF OF THE METROPOLITAN WATER PROVIDERS, DENVER, CO

Mr. BERKOWITZ. Mr. Chairman, my name is Larry Berkowitz. I am city attorney for the city of Littleton, CO. I am here today as a designated spokesman for the Metropolitan Water Providers, an organization made up of 46 suburban Denver municipalities and special districts which under the Metropolitan Water Development Agreement have joined with the Denver Board of Water Commissioners to fund 80 percent of the costs of the Denver Water Department's systemwide environmental impact statement.

We also will provide 80 percent of the financing for major water storage projects which must be permitted once the SEIS is completed. The Providers' share of this undertaking will involve the future municipal and industrial needs of half the people in Colorado.

If we are successful in permitting and financing these projects or their functional equivalents, then our constituents and their children will have enough water for a high quality of life in that area of the environment which is most important to the citizens—our homes.

If we are not successful or if our water rights are in any way impaired, then those who predict a diminishing quality of life in Metropolitan Denver will have been prophetic.

We are concerned about one of the areas under discussion, the proposed Williams Fork Wilderness Further Planning Area, which is mentioned in Senator Gary Hart's bill, S. 2032, but which is not included in Senator William Armstrong's bill, S. 2916.

We strongly urge that Williams Fork be deleted in your markup. Our principal concern is that while in our view the proposed Williams Fork Wilderness never should have been included in S. 2032 under the criteria established years ago for the National Wilderness Preservation System, should a version of the Colorado Wilderness Act which does include Williams Fork become public law, a clear and present danger to an important component of the Metropolitan Denver future water supply will have been established.

Ostensibly S. 2032 excludes longstanding rights-of-way held by our partners in the metropolitan water development agreement to collect and divert waters in the Williams Fork watershed. In our view, this exclusion is practically without meaning for two reasons—one, it does not sufficiently allow for variances in the existing Denver Water Department rights-of-way, or alternatives to the proposed project which may be determined to be necessary once definitive engineering is completed.

And, two, the fact that the proposed Williams Fork Wilderness area would be placed under an interim wilderness management status and thus be removed from multiple use management, this would subject the entire watershed to Federal reserved water rights claims and thus potentially compromise even the most senior of appropriated water rights.

I realize that you will be debating the general issue of Federal reserved rights in wilderness areas. Therefore, we will confine our remarks strictly to the merits of Williams Fork.

We believe that our earlier contention that Williams Fork does not meet the criteria of the National Wilderness Preservation System is verified in the report accompanying a similar House bill, H.R. 5426. In it, the Honorable Richard E. Lyng, Acting Secretary of the Department of Agriculture, states that the Williams Fork roadless area is not suitable for wilderness designation based upon the results of that study.

In closing, we would like to point out that excluding Williams Fork from this bill in no way slams the door on environmental safeguards. For one thing, under current law it will be reconsidered periodically for wilderness area designation, and should the criteria for such designation change, no doubt additional studies will occur.

For another, very extensive investigations into the environmental impact of the proposed Denver Water Department Williams Fork project and alternatives have just begun as part of the systemwide environmental impact statement which I mentioned earlier. Those studies will show what if any mitigating measures should be taken to preserve the current environment of the project area.

Thank you for your consideration. If there are any questions, I will be happy to respond.

[The prepared statement of Mr. Berkowitz follows:]

Metropolitan Water Providers
1360 S. Clarkson St.
Suite 300
Denver, Colorado 80210
(303) 698-0015

September 18, 1984

TESTIMONY BY LARRY BERKOWITZ, SPOKESMAN FOR THE METROPOLITAN WATER PROVIDERS, DENVER, COLORADO, BEFORE THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE U.S. SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, SEPTEMBER 18, 1984, CONCERNING THE COLORADO WILDERNESS ACT OF 1984 (S. 2916 AND S. 2030).

Mr. Chairman, and Members of the Subcommittee:

My name is Larry Berkowitz. I am City Attorney for the City of Littleton, Colorado.

I am here today as the designated spokesman for the Metropolitan Water Providers, an organization made up of 46 suburban Denver municipalities and special districts which, under the Metropolitan Water Development Agreement, have joined with the Denver Board of Water Commissioners to fund 80 percent of the costs of the Denver Water Department's Systemwide Environmental Impact Statement (SEIS).

We also will provide 80 percent of the financing for major water storage projects which must be permitted, once the SEIS is completed. The Providers' share of this undertaking will involve the future municipal and industrial needs of half the people in Colorado.

If we are successful in permitting and financing these projects or their functional equivalents, then our constituents and their children will have enough water for a high quality of life in that area of the environment which is most important to the citizens -- our homes.

If we are not successful, or if our water rights are in any way impaired, then those who predict a diminishing quality of life in metropolitan Denver will have been prophetic.

We are concerned about one of its provisions -- the proposed Williams Fork Wilderness Further Planning Area, which is mentioned in Senator Gary Hart's bill, S. 2032, but which is not included in Senator William Armstrong's bill, S. 2916. We strongly urge that Williams Fork be deleted in your mark-up.

Our principal concern is that, while in our view the proposed Williams Fork Wilderness never should have been included in S. 2032 under the Criteria established years ago for the National Wilderness Preservation System, should a version of the Colorado Wilderness Act which does include Williams Fork become public law, a clear and present danger to an important component of the metropolitan Denver future water supply will have been established.

Ostensibly, (S. 2032) excludes longstanding rights-of-way held by our partners in the Metropolitan Water Development Agreement to collect and divert waters in the Williams Fork watershed. But, in our view, this exclusion is practically without meaning for two reasons:

(1) It does not sufficiently allow for variances in the existing Denver Water Department rights-of-way, or alternatives to the proposed project which may be determined to be necessary once definitive engineering is completed.

(2) The fact that the proposed Williams Fork Wilderness Area would be placed under an interim wilderness management status, and thus be removed from multiple use management, would subject the entire watershed to Federal reserved water rights claims and thus potentially compromise even the most senior of appropriated water rights.

I realize that you will be debating the general issue of Federal Reserved Rights in wilderness areas, but we will confine our remarks strictly to the merits of Williams Fork.

We believe that our earlier contention that Williams Fork does not meet the criteria of the National Wilderness Preservation System is verified in the report accompanying a similar House bill, H. R. 5426. In it, the Honorable Richard E. Lyng, Acting Secretary of the Department of Agriculture, states that the Williams Fork Roadless Area (a reference to the fact that the same area is involved in a Congressionally-madated study) is not suitable for wilderness designation based upon results of that study.

In closing, we would like to point out that excluding Williams Fork from this bill in no way slams the door on environmental safeguards.

For one thing, under current law it will be reconsidered periodically for wilderness area designation, and should the criteria for such designation change, no doubt additional studies will occur.

For another, very extensive investigations into the environmental impacts of the proposed Denver Water Department Williams Fork Project, and alternatives, have just begun as part of the Systemwide Environmental Impact Statement which I mentioned earlier. Those studies will show what, if any, mitigating measures should be taken to preserve the current environment of the project area.

Thank you for your consideration. If there are any questions I will be happy to respond.

Senator **Wallop**. Thank you, Mr. Berkowitz.

Mr. Foster.

STATEMENT OF TAD FOSTER, ASSISTANT CITY ATTORNEY, COLORADO SPRINGS, CO

Mr. **Foster**. Mr. Chairman, my name is Tad Foster. I am an assistant attorney for the city of Colorado Springs dealing in environmental affairs, an area closely connected with the Homestake phase II project.

My comments are based upon the last three pages of written testimony by Mayor Isaac. I would like to share with you conclusions that we have reached based upon our experience of going through the environmental impact statement process, the 404 permitting process, as well as our scientific study, reaching the conclusion that you can have water development projects as well as wilderness, reaching the conclusion that section 7 in 2916 is appropriate, reaching the conclusion that flexibility is available through the other Federal requirement to protect the wilderness quality.

We found, first of all, in the case of Homestake phase II, we have four widely separated, remote diversion locations. Those diversion projects will consist of small rock-filled dams less than 10 feet in height. They will be designed to harmonize with the terrain. They will be, spawn less than 1 acre of water so as to divert the water in drop tunnels. The water will then be taken out of the wilderness by tunnel.

Those dams will be located in highly vegetated areas that are screened from public view, remote from any trails. The diversion dams will divert generally from May through July during the peak flow caused by the snowmelt runoff period.

Since the diverting is occurring for a short period of time, we are looking at only one-third of the annual water flow of the entire area being in fact diverted.

Because the streams are subject to the Federal Land Management Policy Act and the requirement to obtain a special-use permit, those streams will have minimum streamflows. As a condition of that special-use permit, those minimum streamflows have been determined so as to protect not only the esthetic quality of the stream, but also the fishery value of the stream. While the streams will be depleted significantly at the point of diversion, those minimum stream flows will still be released at the point of diversion, and because we are diverting so high up in the watershed, significant accretion flow to the stream occurs. That accretion flow is from side slope tributaries, seepage, wetlands that are tributary to the stream itself.

We in fact have found that 1 mile below the two major diversion points the stream is expected to return to near bank full conditions to volumes which are higher than full or postdiversion period, whose velocity may be less.

The important point to realize is that while the velocity may be reduced, the volume, the quantity of water in terms of this relationship with the bank is still high. We expect a few inches of reduction of the bank full condition, and this is using the minimum streamflow established for the forest. We have also determined that side channel wetlands will not be dried out by reducing streamflow since those wetlands are maintained by mountainside snow packed runoff, ground water percolation through fault fractures leading down into the wetlands, onsite precipitation both during the wintertime as well as during the summer, and the extensive beaver activity that occurs throughout these high mountain slope terrain. Those activities will maintain the wetland condition while also feeding and adding to the streamflow below the diversion points.

It is our belief that flexibility is necessary in order to develop a water project in these high altitude areas and still maintain the environmental qualities that we seek to maintain for wilderness purposes.

It would be my fear that if we were to adopt a reserved water right concept, that that would deter any future areas from being classified as wilderness, and I can give you as the best example Brown's Canyon on the Arkansas River will be proposed in the future by the Bureau of Land Management for wilderness quality. A significant amount of water flows through Brown's Canyon. It is a super white water canyon, but if we are unable to divert any further water upstream of that point, we would have to oppose that classification.

Thank you.

Senator **WALLOP**. Thank you, Mr. Foster.

Mr. Teigen.

STATEMENT OF HENRY TEIGEN, ATTORNEY, CITY OF DENVER WATER DEPARTMENT, DENVER, CO

Mr. **TEIGEN**. Thank you, Senator. In the interests of brevity, I am not going to restate or reread what we have already submitted in the record. I just want to point out a few highlights.

The city of Denver Water Department recognizes the need to preserve the State's wilderness resources I am sure, like everyone else does.

We have worked with the Colorado delegation and their staff in the past on drawing wilderness boundaries. We have taken some various staff members into the mountains with helicopters and flew these areas so they had a real good feel for what we are talking about so when we speak, they know exactly what we are talking about and vice versa.

The concern that Denver has I think is that we have never assumed that these wilderness areas in the past had had Federal reserved water rights. A significant amount of money has been expended developing conditional water rights in the past for the last umpteen years, specifically the Eagle Piney project which Denver has planned and the East Gorge project which are both located within wilderness areas have seen a significant amount of money spent in surveys, consulting reports, et cetera, in the last 20 years.

The *Sierra Club* v. *Block* lawsuit we submit creates an air of uncertainty. The only thing we know is that we don't know very much—clearly uncertain.

Some of the things that Denver is concerned about—and I will admit that I wasn't particularly concerned about them when I first thought about them. The more I thought about it the more I got concerned. That is the issue of annotation. We don't know what date of reservation a court would award because the claim, the statement of claim submitted by the Sierra Club in their complaint is rather cryptic or vague on that issue.

For instance, if the date of a Federal reserved water right was a 1891 date, that clearly predates Denver's water rights; a 1956 date, 1971 date, the same with the 1909 date. Senior water right is going to have the best shot at taking any water out of that stream.

Even if, however, the water right had a junior date of priority, there still is some concern that we would have, and Mayor Isaac started talking about that and I am going to deal specifically, but generically with the particular area of Colorado water.

In our exhibit attached to our statement I had drafted a very generic diagram that shows a stream running from the upper righthand corner to the lower lefthand corner. The diagram also shows a proposed collection system conduit that surveyed in, and that is where we or somebody else thinks they want to build a project. If for some engineering reason you cannot build that project or diversion structure at a given point, and on my diagram that appears as point A, you might have to move that point of diversion upstream or downstream.

If you move it downstream, you do not have a problem. You have actually increased the stretch of river within the wilderness area that is carrying more water. If you move it upstream, you go into State water court in a transfer proceeding and you say to the judge yes, we have to move this from point A to point B 200 yards upstream. The Forest Service would like it. We need to move it there for whatever reason. The judge says but a junior water right will be diminished or injured thereby.

If it were a minimum flow, for instance, a stream carrying 80 cubic feet per second, if the minimum flow held by the United States were 20 cubic feet per second, you could accommodate that and assure the 20 cubic feet per second of time actually transited that section of the stream.

If the measure of the Federal reserved water right is a bank full right, and we don't know what that water right is at this particular time, the Federal reserved water rights have traditionally been, quote, to fulfill the purpose of the Federal reservation. Subsequent cases such as Kaypart decided that the measure of that water right is for the purpose of the Federal reservation and no more. We still have no idea what the purpose of or the measure of that Federal reserved water right is vis-a-vis wilderness situation, and I think the argument can be very forcefully made that the measure of a water right is to not diminish the viewer's esthetic appreciation, his fishing right, the fishing interest in the stream flow. We have a concern about that.

What happens in that situation then is in a nutshell, it makes it extremely difficult to move that water right upstream if that is the measure of the water right. If it is a minimum flow, it can be negotiated, and that accommodation can be made with the U.S. attorney and the Forest Service and the water court in the State of Colorado.

[The prepared statement of Mr. Teigen follows:]

Board of Water Commissioners
1600 West Twelfth Avenue Denver, Colorado 80254 Phone 623-2500

D. DALE SHAFFER, President
JOHN A. YELENICK, 1st Vice-President
CHARLES G. JORDAN
MONTE PASCOE
MARGUERITE S. PUGSLEY

W. H. MILLER
Secretary-Manager

September 14, 1984

Senator Malcolm Wallop
Chairman, Public Lands and Reserved
  Water Subcommittee
Senate Dirkson Office Building
Room 308
Washington, D.C. 20510

Re: Proposed Colorado Wilderness Areas -- S-2916 -- Federal Reserved
  Water Rights Attendant to Wilderness Areas

Dear Senator Wallop:

We welcome the opportunity to provide comments concerning the upcoming hearing on the Colorado wilderness proposal submitted by the various members of the Colorado Congressional Delegation. Throughout the year we have worked with the members of the Colorado Delegation on the various wilderness proposals submitted by both Senators Hart and Armstrong, together with the House compromise worked out with Representatives Wirth and Kogovsek.

As you are no doubt aware, earlier this year the Sierra Club filed a lawsuit against the Secretary of Agriculture, John Block, and the State Engineer for the State of Colorado in the U.S. District Court for the District of Colorado. This case captioned _Sierra Club v. Block, et al._, Civil Action No. 84-K-2, seeks a mandamus action against various federal officials for abuse of discretion in their perceived failure to file claims for federal reserved water rights appurtenant to the various wilderness areas located within Colorado. The action against the Colorado State Engineer was a mandamus action to force him to administer those water rights. This federal litigation filed by the Sierra Club against the above-referenced officials forces us to look harder at the question of federal reserved rights vis-a-vis wilderness areas in Colorado, and we are concerned about the significant and disturbing tension between water rights obtained under state law proceedings and reserved water rights incidental to wilderness areas. Denver is very concerned that federal reserved water rights held by the United States in a wilderness area in Colorado would derogate vested water rights held by owners of water rights who have made appropriations and developed their water rights according to state law. There are owners of water rights located within wilderness areas, both present and proposed. The municipalities of Denver, Aurora, and Colorado Springs all own water rights which are located in or may be developed within wilderness areas, and there may also be other individual water users with various points of diversion, ditches, canals, or pipelines located in such wilderness areas.

Historically, the designation of wilderness areas in Colorado has not created a reservation of reserved water rights appurtenant to the wilderness areas so designated. This is best illustrated by the fact that the Homestake Collection System being built jointly by the Cities of Colorado Springs and Aurora lies within the Holy Cross Wilderness Area, and that project as well as the expansion of the Homestake II project was provided for in the legislation establishing the Holy Cross Wilderness Area. Moreover, the 1964 Wilderness Act provides that the President of the United States may grant a waiver from the constraints imposed by wilderness designation for construction of water projects located within the wilderness area. Section 16 U.S.C., paragraph 1133(4) provides as follows: "Within wilderness areas in the National Forest designated by this Chapter (1), the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in a specific area will better serve the interests of the United States and the people thereof than will its denial." This provision clearly and undeniably permits the President of the United States to authorize water projects within a wilderness area and conflicts with the notion advanced by the Sierra Club that the United States has reserved water rights for wilderness purposes.

The Sierra Club, in their Complaint in Sierra Club v. Block, et al., not only alleges that the Colorado wilderness areas have appurtenant to them federal reserved water rights, but also that these water rights are antedated to the date of the National Forest reservation as opposed to the wilderness reservation. The Complaint filed by the Sierra Club does not allege that the United States failed to claim a federal reserved water right which purportedly vested upon designation as a wilderness area. The Complaint could have easily been phrased or amended to allege such a claim. In contrast to this position, the Sierra Club Complaint asserts a preservation of all water resources in their "natural condition", and from that it can be argued that the wilderness characteristics to be preserved existed when each federal reservation, i.e. National Forest, was first created.

This notion of antedating these new federal reserved water rights to the date of the original forest reservation would make this new class of wilderness reserved water rights senior to many of the water rights owned by various Colorado water users including the City and County of Denver. With respect to the projects which Denver has planned and for which Denver holds water rights, this new class of senior reserved water rights would render several of Denver's proposed projects unbuildable, with a concomitant adverse impact on the residents of the Denver metropolitan area. The institutional and socio-economic disruptions caused by the creation of a new class of senior federal reserved water rights would be tremendous.

There is, likewise, a significant impact to water right holders resultant from the establishment of federal reserved water rights appurtenant to wilderness areas with a reservation date as of the date of the establishment of the wilderness area. The key to understanding how a junior federal reserved water right held by the United States in wilderness areas might serve to derogate vested water rights of others lies in an understanding of Colorado water law. The nature of a federal reserved right in a wilderness area is such that it would command the total flow of a stream, the maintenance of a given lake level, or the continuance of ambient water tables with respect to reserved groundwater rights. It is assumed that senior decreed water rights normally would be allowed to exercise their full rights within a wilderness area where such development is authorized by the wilderness legislation itself, or in those circumstances where a presidential exception could be obtained. However, any change to a new point of diversion would result in a diminishment, qualitatively and quantitatively, of the water right if the federal reserved water right reserved under the wilderness area were used to impede the existing right.

As an example, I would invite your attention to the attached Exhibit which portrays a situation where a stream flows through a wilderness area and is depicted on this map as flowing from the upper right hand corner to the lower left hand corner of Exhibit A. The dashed line on Exhibit A represents a planned or proposed gravity collection system which intersects the stream at Point "A", for which the water right holder holds a decree as a proposed point of diversion. If, during the construction of the project, the alignment for the conduit or a collection system has to be moved upstream such as depicted at Point "B" on Exhibit A, the significance of the federal reserved water right comes into play. In the construction of these projects, in the mountainous and terrain of Colorado, it is not unusual to find minor deviations from the proposed point of diversion to the actual point of diversion, and generally these deviations are necessitated by actual field conditions. However, by deviating the new actual point of diversion from the proposed Point "A" to the actual Point "B", the instream flow from Point "B" to Point "A" would be diminished below that quantity of water contemplated by the federal reserved water right for wilderness purposes, the significance being that the federal reserved water right calls for the total undiminished flow from Point "B" to Point "A". The net result of this is that it becomes legally impossible to move a water right upstream from a proposed point of diversion or a decreed point of diversion, in a change proceeding under Colorado law, to an as-constructed upstream diversion point because injury will result to the federal reserved water right. Under Colorado law, a change of water right proceeding cannot be decreed if either a senior or junior is injured as a result of the change proceeding.

As a result of this situation, the exercise of the existing water right held by a party under state law, is severely curtailed where federal reserved water rights with the wilderness area characteristic are involved. It would be extremely difficult, if at all possible, to negotiate terms and conditions in a water rights transfer proceeding with the federal government when the measure of the water right is the total flow of the stream within a given reach. This is especially so in light of the willingness of environmental groups such as the Sierra Club and others to seek mandamus actions against federal officials for abuse of discretion for, in their view, not pursuing federal reserved water rights aggressively enough.

The Denver Water Department provides potable water to the citizens of the City and County of Denver as well as numerous contract service areas outside the City and County of Denver. The Department is currently providing water to approximately 1,000,000 inhabitants in the Denver metropolitan area, and with this in mind, the Department is very concerned about anything which might compromise both present and future water supplies. For this reason, we recommend that no Colorado wilderness areas be designated without the inclusion of language similar to that contained in Senate Bill No. 2916, which clearly and explicitly provides that designation of federal reserved water rights for wilderness areas was never intended, either expressly or impliedly, to create a whole new class of federal reserved water rights for wilderness reservations. Without such language, the future of the Denver metropolitan area as well as the State of Colorado, may see an inability to utilize both present and perspective water rights.

It should also be noted that, the ability of the United States Forest Service to manage the forests including the wilderness areas reserved under any Colorado wilderness bill is not diminished by a lack of a federal reserved water right for wilderness purposes. The Forest Service can go into the State court, pursuant to State law, and file for water rights for discrete and identifiable uses in the wilderness area. These water rights would have their own ranking within the priority system, and enjoy all the rights and privileges appurtenant to water rights under Colorado law.

In closing, I again thank you and the Committee, for providing the Department with the opportunity to comment and for your consideration in this matter. Should you or other members of the Committee require additional information, or if we can be of further assistance, please feel free to contact me.

Sincerely,

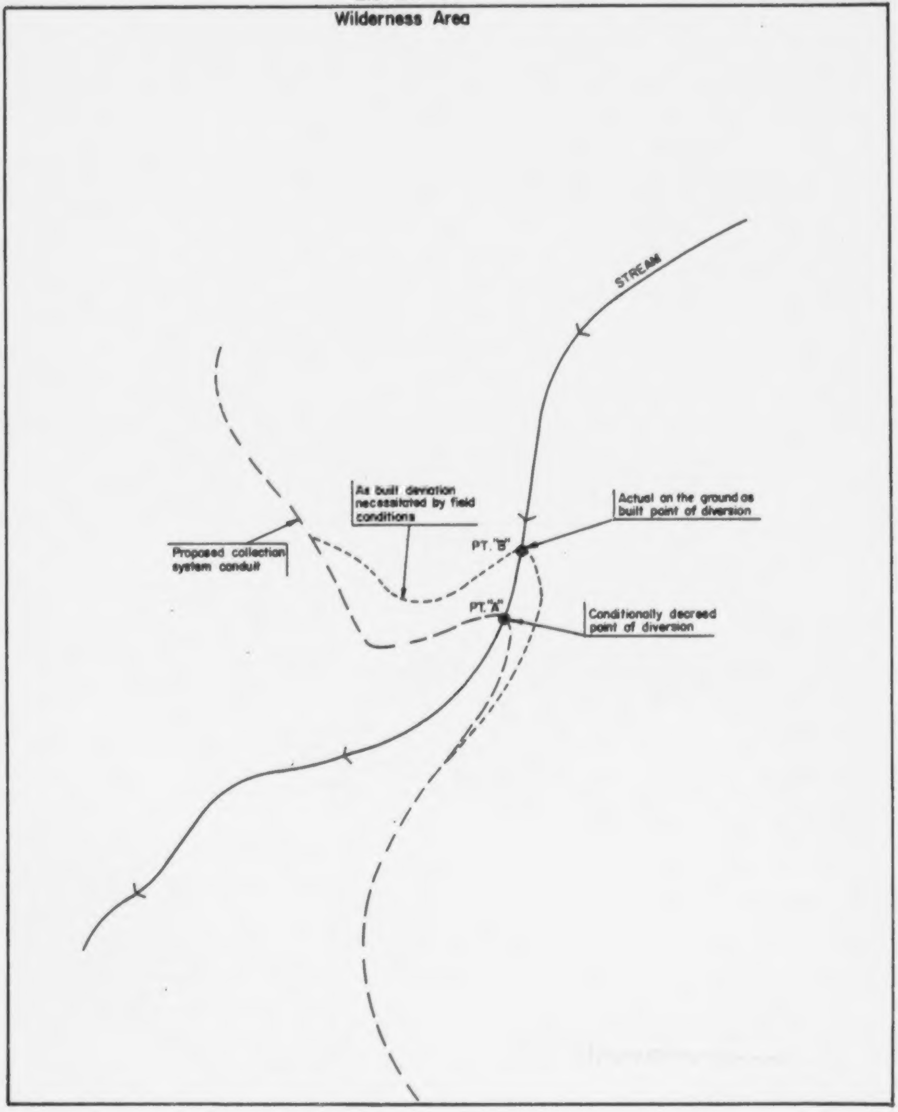
By Wayne D Williams
Wayne D. Williams, General Counsel

FOR:

William H. Miller
Manager

WHM/WDW:baw
Attachment

EXHIBIT A


Wilderness Area
STREAM
As built deviation necessitated by field conditions
Actual on the ground as built point of diversion
PT. "B"
Proposed collection system conduit
PT. "A"
Conditionally decreed point of diversion

Senator **Wallop**. Thank you, Mr. Teigen. Let me just ask a general question. It is clear that Colorado Springs and Aurora have a potential problem as does Denver.

Mr. Getches, the Department of Natural Resources, doesn't know of any potential conflict here.

Would you be comfortable in asserting that other municipalities may well have similar kinds of problems in some of these areas?

Mr. **Foster**. I can't speak with any, give you any specific examples, but when you recognize that nearly every stream in the State of Colorado that provides water to the municipalities of the State of Colorado starts at the top of a mountain, and nearly every mountain top is becoming a wilderness area, I think every municipality should have a concern.

If our experience is like anybody else, the potential impact of *Sierra Club* v. *Block* is just beginning to dawn. The people are becoming concerned with what its potential impact will be.

Mr. **Berkowitz**. I would share your concern, Mr. Chairman, and the comments made by Mr. Foster. For one I can say for the city of Littleton certainly that Mr. Getches did not contact the city of Littleton. I am not aware of any other municipal providers that were contacted who are members of the metropolitan water authority, but we certainly have a concern.

This Williams Fork especially has been viewed as a major source of metropolitan water needs for the coming years until some other major project can be developed. It is of critical significance to us during at least the next 10 years.

Senator **Wallop**. The concern that I have, just expressing it, and transferring the same kind of problem to Wyoming or other Western States that require water for their ordinary, not extraordinary growth, but just ordinary growth, use, is that it is virtually impossible to contemplate the designation of wilderness status. It is virtually impossible for a State with two Senators and one Congressman or two Senators and four Congressmen to hold sway over the wishes and desires of all the rest of the country when it comes to dealing with such problems.

I don't see political positioning that would be required in order to resolve these problems if they became problems after the fact. I think it is probably better to try to anticipate them to the extent that minds can, and that is one reason why whether section 7 is the right words or some other set of words, it seems to me it is probably better to do it in advance of the circumstances.

We will ask that question of other witnesses as it comes along. I appreciate it very much, and I also appreciate the frustration that you have with the 3-minute limit. I wish it was different, but there are an awful lot of people, as there always are in wilderness issues, and I appreciate your testimony.

Mr. **Foster**. Senator, if I could just make one additional comment in response to your question, the Northern Colorado Water Conservancy District I think would be able to testify later on—they are in the panel—to your question that the potential of a reserved water right will deter and reduce their flexibility in trying to come up with a more environmentally sensitive process, and I think they will address that.

Senator WALLOP. Thank you. Next is the panel consisting of Maggie Fox, the Southwest representative of the Sierra Club, Boulder; Michael Scott, also the Southwest representative of the Wilderness Society, Denver, CO; Dan Bachman, avalanche expert, High Country Citizens Alliance; Mark Pearson, Colorado Wilderness Network; John Stansfield, Rocky Mountain Chapter of the Sierra Club; and Denise Hayman, Colorado Open Space Council.

Maggie Fox.

STATEMENT OF MAGGIE FOX, SOUTHWEST REPRESENTATIVE, THE SIERRA CLUB, BOULDER, CO

Ms. FOX. Good morning, Mr. Chairman. Thank you for the opportunity to come before you today to speak on this very important question.

The Sierra Club would like to thank both Senator Hart and Senator Armstrong for reaching out to complete the designation process for wilderness in the State of Colorado.

As you might expect, I would specifically like to address my comments to section 7 of Senator Armstrong's bill.

Section 7 acts to negate for wilderness areas in Colorado the longstanding implication that as is currently in litigation, that a Federal reservation necessarily carries with it an amount of water sufficient to meet the purposes of that reservation.

We feel that this is both unnecessary and potentially very destructive to the integrity of the wilderness system in Colorado and nationwide.

The language of section 7 is both retroactive and prospective in scope as it seems to affect not only areas to be designated in this legislation, but also all wilderness previously designated by Congress in Colorado, and all wilderness to be designated in the future as well.

It is our understanding that the reason for section 7 was to address fears surrounding the security of established water rights in Colorado. We feel that the language in section 7 is not necessary to address those fears and tries to oversolve what we see as legitimate problems.

An understanding of three basic points regarding reserved water rights and wilderness will we hope lay to rest some of those fears.

First, it is essential to understand that a wilderness reserved right is nonconsumptive in nature. In fact, reserved rights for high elevation wilderness actually serve to ensure that Colorado's downstream domestic, industrial, and agricultural water users receive high quality water, undiminished in quantity by other appropriators.

Second, all existing national forest wilderness in Colorado, and there are 24 areas, and all but 3 of the areas are in Senator Armstrong's bill, are at high elevation at the headwaters of streams. This makes it physically impossible that there could be any upstream water users outside the wilderness at the present time that could be damaged.

Thus no current users could be hurt by the assertion of a reserved right for the maintenance of lake levels and stream flows within a wilderness area.

A third important point is the priority date of the right. The Sierra Club has stated publicly on a number of occasions that it is our position that the priority date of the reserved water right for a wilderness area is the date that Congress designates the area as such. Thus the areas proposed for wilderness in S. 2916 would have a 1984 priority date.

The vast majority of the wilderness already designated in Colorado would have a 1980 priority date. These are very junior rights indeed. Any party who is using water pursuant to a water right which is senior to these wilderness designation dates would not be affected in any way.

Moreover, section 7 is superfluous, we think, because Colorado's system of water law, the doctrine of prior appropriation, serves to protect all senior water right holders and holders of valid conditional water rights. Under this system, it is possible that at some time in the future a senior water right holder upstream of a wilderness area could completely dry up a wilderness area in a time of water shortage by simply putting all of the water allotment to beneficial use. Only holders of very junior rights upstream of a wilderness could be affected by the call of the wilderness stream flow rate.

In the case of new wilderness being created by this legislation, only water rights established after 1984 would be in any way affected by wilderness reserved rights under current law, yet section 7 would change that law. Through section 7, Congress would create a new class of Federal lands. While national parks, monuments, recreation areas, forests, and wildlife refuges have reserved water rights, wilderness would have none. Wilderness in Colorado would become the stepchild of the Federal land management system.

Areas that qualify for wilderness under the 1964 act are supposed to be managed to secure for the American people of present and future generations an enduring resource of wilderness, yet in terms of water rights, section 7 would render Colorado wilderness less protected than the surrounding national forest lands which have been released to multiple uses.

With the loss of the reserved right as a tool for protecting those water resources, wilderness in Colorado would become a separate, second-class system.

It makes little sense we feel to designate a wilderness area with one stroke and to nullify the means of protecting that area's water resources with yet another stroke.

It has been stated that the intent of section 7 is to be neutral. Section 7 would extinguish potential water rights which could be used to protect wilderness water resources in the future. We don't think this can actually be characterized as neutral.

The Sierra Club believes the water rights language of the 1964 Wilderness Act is in fact neutral and should be utilized in this legislation. That language affirmed and maintained an important existing Federal/State relationship in water law.

May I step over my boundary for one moment?

Senator WALLOP. You have been over 1½ minutes.

Ms. Fox. Then I will stop, Senator.

[The prepared statement of Ms. Fox follows:]

727 Walnut
Boulder, Colorado 80302
303•449•5595

SIERRA CLUB SOUTHWEST OFFICE

STATEMENT OF
MAGGIE FOX, SOUTHWEST REPRESENTATIVE
SIERRA CLUB

Before the Senate Committee on
Energy and Natural Resources
Subcommittee on Public Lands and Reserved Water

Concerning S. 2916, The Colorado Wilderness Act of 1984

September 18, 1984

Mr. Chairman, distinguished members of the Subcommittee, thank you for the opportunity to testify on S.2916, Senator Armstrong's Colorado Wilderness bill. My name is Maggie Fox and I am the Southwest Regional Representative of the Sierra Club with an office in Boulder, Colorado. The Sierra Club is a national organization of over 350,000 members, with a long history of concern for the preservation of our natural resources. The Rocky Mountain Chapter of the Sierra Club in Colorado would like to thank both Senators Hart and Armstrong for their interest in and efforts toward Congressional designation of some of Colorado's finest pristine areas as wilderness.

I would specifically like to address my comments today to Section 7 of Senator Armstrong's bill, the reserved water rights provision. Section 7 acts to negate, for wilderness areas in Colorado, the long standing implication that a federal reservation necessarily carries with it an amount of water sufficient to meet the purposes of the reservation. We feel that this is both unnecessary and potentially very destructive to the integrity of the wilderness system in Colorado and nationwide.

The language in Section 7 states that neither a wilderness designation nor "any guidelines, rules, or regulations issued thereunder" establishes a federal right to "the use or flow of water". This provision is both retroactive and prospective in scope, affecting not only areas to be designated in this legislation, but also all wilderness previously designated by Congress in Colorado, and all wilderness to be designated in the future as well.

It is our understanding that the reason for Section 7 was to address fears surrounding the security of established water rights in Colorado. The language in Section 7 is not necessary to address those concerns. An understanding of three basic points regarding reserved water rights should set to rest any concern over the security of established water rights.

First, it is essential to understand that a wilderness reserved right is nonconsumptive in nature. In fact, reserved rights for high elevation wilderness actually serve to ensure that Colorado's downstream domestic, industrial, and agricultural water users receive high quality water, undiminished in quantity by any other appropriator.

Second, all existing national forest wilderness in Colorado (24 areas) and all but 3 of the areas in Senator Armstrong's bill are at high elevation at the headwaters of streams. This location makes it physically impossible that there could presently be any upstream water users outside the wilderness, thus no current users could be damaged by the assertion of a reserved right for the maintenance of lake levels and stream flows within the wilderness.

A third important point is the priority date of the right. The Sierra Club has stated publicly on a number of occasions that it is our position that the priority date of wilderness area reserved rights is the date that Congress designates the area as such. Thus the areas proposed for wilderness in S.2916 would have a 1984 priority date. The vast majority of the wilderness already designated in Colorado would have a 1980 priority date. These are very junior rights indeed. Any party who is using water pursuant to a water right which is senior to these wilderness designation dates will not be affected.

Moreover, this provision is superfluous because Colorado's system of water law, the system of prior appropriation, serves to protect all senior water right holders and holders of valid conditional water rights. Under this system, it is possible that at some time in the future a senior water right holder upstream of a wilderness area could completely dry up the area in a time of water shortage by simply putting all of its water allotment to beneficial use. Only holders of very junior rights upstream of a wilderness could be affected by the call of a wilderness streamflow right. In the case of new wilderness being created by this bill, only water rights established after 1984 would be in any way affected by a wilderness reserved right, under current law. Section 7 would change the law.

Through section 7, Congress would create a new class of federal lands. While national parks, monuments, recreation areas, forests, and wildlife refuges have reserved water rights, wilderness would have none. Wilderness in Colorado would become the stepchild of the federal land management system.

Areas that qualify for wilderness under the 1964 Wilderness Act are supposed to be managed to secure for the American people of present and future generations an enduring resource of wilderness. Yet in terms of water rights, section 7 would render Colorado wilderness less protected than the surrounding national forest lands which had been released to multiple uses. With the loss of the reserved right as a tool for protecting the water resource values of the areas, wilderness in Colorado will be a separate, second-class system. It makes little sense to designate a wilderness area with one stroke and to nullify the means of protecting that area's water resources with a second stroke. It is our belief that Congress does not want, and never did want, to create wilderness that lacks even the most basic water rights.

The role and potential effect of the Sierra Club's pending lawsuit in the District of Colorado, Sierra Club v. Block, have been greatly misunderstood and should be clarified. The United States is now involved in state court adjudications of its water rights for all federal land in Colorado. The Sierra Club investigated the United States' water rights applications and discovered that while the United States is claiming water for every other type of federal reservation in the state of Colorado, it has simply failed to claim any water rights for Colorado's 24 designated national forest wilderness areas. This failure to claim rights in ongoing litigation is likely to lead to the loss of the rights.

Therefore, the Sierra Club filed Sierra Club v. Block to resolve the question of whether the Forest Service is acting illegally by failing to take steps to protect wilderness water rights. The suit properly seeks an answer to this important question before the United States is foreclosed from ever making those claims. If the Court determines that the United States should be claiming reserved rights for wilderness, the United States will have to make those claims in Colorado water courts, where all private and public water users will participate to protect their own interests.

It has been stated that the intent of Section 7 is to be neutral. Section 7 would extinguish important water rights which could be used to protect wilderness water resources in the future. This cannot be characterized as neutral. The Sierra Club believes that the water rights language of the 1964 Wilderness Act is in fact neutral and should be used in this legislation. That language affirmed and maintained the existing federal-state relationship in water law. This relationship recognizes both the reserved rights doctrine and the prior appropriation system and protects the interests served by both.

Senator WALLOP. Mr. Scott.

STATEMENT OF MICHAEL D. SCOTT, SOUTHWEST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY, DENVER, CO

Mr. SCOTT. Good morning, Mr. Chairman. I am pleased to be here this morning, and I note it is always a pleasure to be able to support the legislation at least in part, and I would like to just say that the Wilderness Society thanks the administration, Park Service, and the Forest Service for opposing this section 7 language in Senator Armstrong's bill, as we do.

There are others here this morning who will be talking specifically about individual areas within the boundaries. I would like to address for a moment three different topics—the value of these areas within our conservation proposal of wilderness, timber values in those areas, and some oil and gas issues that have arisen.

First, wilderness values—Colorado has a basically tourism-based economy that is either rated No. 1 or No. 2 in revenues for the State, depending on whom you listen to, and also enjoys some 3 percent of the wilderness of this country, but enjoys about 17 percent of the use.

A number of people come from around the world, around the country to use our wilderness areas, and that is growing about 7 percent a use year, and our calculations show that administering these wilderness areas within our proposal would cost roughly $627,000 per year. Now a number of these costs would exist regardless of whether they were wilderness or not because most of these costs are associated with trail maintenance, trail construction, salary, and overhead associated with the Forest Service, but if you use some figures given to us by the Forest Service in their Rocky Mountain Regional Guide in terms of what that use is worth, we come out with a figure that wilderness use in our proposal would generate about $7½ million a year in revenues to the Colorado economy, so for every dollar the Forest Service is investing into wilderness management, if you will, Colorado's economy will be receiving about $23, so we conclude that that is a good investment in dollars.

Now if you compare that with timber values, we find that timber values in Colorado in these proposed areas are quite low. In the conservation proposal, in fact, according to a recent GAO report which I am sure you are familiar with, and work that the Wilderness Society has done, Colorado forests lose about 95 cents on the dollar in terms of timber revenues.

If we use our calculations about how much timber is actually in forests in wilderness areas within our proposal, we find that the 18 areas we are proposing for wilderness have about 28 million board feet of timber. The cost to the Federal Treasury of cutting that timber is approximately $2 million, $3 million per year based on the figures, the GAO figures and the figures that the Wilderness Society worked out.

Therefore, the cost to the Treasury for timbering these areas is about $1,700,000 more than the cost of managing these as wilderness, so comparing these areas one against the other, you would find that it is less expensive to the Federal Treasury to manage these 18 areas as wilderness than it is to timber them.

There have been a number of issues raised about oil and gas in three areas in particular—Spanish Peaks, Sangre de Cristo, and the South San Juans.

It is important to note that in Spanish Peaks, draft forest plans for San Isabel propose the core of the Spanish Peaks be not leased to protect the unique ecological values, and the periphery of that area would be leased only with no surface occupancy stipulations. Those leases don't, proposed leases that are pending in Spanish Peaks don't occur in any known geologic structure, KGS. They are speculative in nature. Our experience in the Rocky Mountains is about 10 percent of speculative leases are ever drilled, and of those, some place in the neighborhood of 10 to 15 percent of those leases ever come in, so we could expect if you use probability figures about 1 percent of the leases that are speculative in nature to result in actual production, and therefore, the conflict between pending oil and gas leases and wilderness designation in Spanish Peaks is a speculative one, if I may, at best.

In the Sangre de Cristos there are two basic areas we are concerned about relative to oil and gas leasing. One is the Slide Mountain and the Huerfano Valley in which the same questions apply. There is speculative leases, proposed leases, in that area, no KGS, and again the draft forest plan recommends the bulk of that area for no leasing. Therefore, the area should not be inconsistent with wilderness designation as there are no other conflicts, and again finally, the lower eastern third of the Sangre de Cristos are prepared for leasing by Arco and they propose a line that would run down the middle of the divide and make the area very difficult to manage, and there have been no identified KGS's in that area, and we don't think that it is a good line or a good boundary on both sides of the range and should be included.

In conclusion, one last area in the South San Juans, we have an area called V-Rock where again there are leases that exist in the area but a report by a consulting geologist identified most of the oil and gas bearing outside the area, and the leases in the V-Rock trail area tend to confirm that, they are around the periphery of the area, tending to tell us those leases are looking toward the outside of the area rather than the inside.

Thank you, Mr. Chairman. I'm sorry that I ran over, and I will be happy to answer any questions.

[The prepared statement of Mr. Scott follows:]

THE WILDERNESS SOCIETY

FOUNDED IN 1935

STATEMENT OF MICHAEL D. SCOTT, SOUTHWEST REGIONAL DIRECTOR OF THE WILDERNESS SOCIETY BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS S2032, S2916, AND HR 5426 BILLS TO DESIGNATE WILDERNESS IN COLORADO, MAY 10, 1984.

Mr. Chairman, members of the Subcommittee, my name is Michael D. Scott. I am the Southwest Regional Director of The Wilderness Society and I live in Denver, Colorado. I am pleased to be here today to testify on S. 2032 and S. 2916, bills to designate wilderness in Colorado.

These bills are before you today as a result of the 1980 Colorado Wilderness Act. That Act designated 1.4 million acres of wilderness, released 4.2 million acres, and set aside 16 areas, totaling 688,000 acres, as Wilderness Study Areas and Further Planning Areas. Sections 105 and 106 of the 1980 Act mandated study of these WSA's and FPA's within three years. The Forest Service's draft recommendation contains 10 areas totaling 447,767. S. 2032 contains 17 areas totaling 733,645. S. 2916 differs from the Forest Service recommendations by a total of only 4,000. Conservationists have asked for 874,151 acres. We view S. 2916 as inadequate while S. 2032 represents a good beginning towards resolving the fate of these 16 areas and we support its passage.

S. 2916 also contains language dealing with reserve water rights in wilderness. Sec. 7 not only removes the ability of the F.S. to assert reserve rights for areas designated in the bill, but it also retroactively removes those rights from all wilderness designated in Colorado. This language is categorically unacceptable to us.

1901 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006

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Today, I would like to address these issues in detail: 1) the value of Colorado wilderness, 2) timber values and 3) oil and gas issues.

I. Wilderness Values

Colorado has long been a symbol of the Rocky Mountains. Its beauty and majesty have inspired Native American, explorers, and artists. With only three percent of the designated Wilderness in the United States, Colorado hosts over 17 percent of wilderness visits. This use totaled some 1.85 million visitor days in 1982. The Forest Service estimates that this use is growing at a phenomenal seven percent annual rate. The Forest Service further estimates that this growth will use up the available supply of designated Wilderness in another decade. It is time for us to look ahead. Otherwise our present Wilderness areas will be degraded by overuse.

What is all this wilderness use worth? It is difficult to answer this question. How, for instance, does one value the solitude and spiritual insights gained sitting for hours alone and undisturbed in a field of wildflowers? Some might not place any value on the experience, others might not exchange the experience for any sum of money.

The estimated net cost of administering the conservationist proposal as wilderness is $627,152 per year. The primary costs associated with the figure are administrative overhead, salaries, and trail maintenance and construction. A large proportion of these costs would accrue whether or not the areas were designated as wilderness.

The Forest Service, in its Rocky Mt. Regional Guide, estimated that 1 wilderness' use day is worth approximately $12. Based on an estimated use of 625,000 visitor days, the conservationist proposal has a net public benefit of 7.5 million dollars or a positive return to the community of $23 for $1 invested. These benefit cost figures do not include the additional benefits derived from wildlife habitat, hunter, or fisherman user days.

The following chart gives the costs and benefits for designated wilderness in Colorado from which the above figures were derived.

Table C. Estimated Costs and Benefits for Wilderness Management in Colorado, Fiscal Year 1982

Forest	Recreation Use	Costs[2]	Public Benefits[3]	Net Public Benefits	Ratio of Benefits to Costs
	MRVD[1]	. . . .	thousand dollars. (S/MRVD)	. . . .	
Arapaho-Roosevelt	467.1	262 (.56)	5,605 (12.00)	+5,343 (11.44)	21.39
GMUG	286.9	128 (.45)	3,443 (12.00)	+3,315 (11.55)	26.83
Pike-San Isabel	223.6	145 (.65)	2,683 (12.00)	+2,538 (11.35)	18.48
Rio Grande	119.2	57 (.48)	1,430 (12.00)	+1,373 (11.52)	24.87
Routt	114.3	52 (.36)	1,732 (12.00)	+1,680 (11.64)	33.49
San Juan	197.4	111 (.56)	2,369 (12.00)	+2,258 (11.44)	21.38
White River	400.4	185 (.46)	4,805 (12.00)	+4,620 (11.53)	25.94
TOTAL	1,838.9	941 (.51)	22,067 (12.00)	+21,126 (11.49)	23.45

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1. A Recreation Visitor Day (RVD) represents 12 hours of recreation use. An MRVD is a unit representing one thousand RVD.

2. Costs of wilderness management include administrative overhead, salaries, equipment and costs for trail construction and maintenance. Cost data obtained from USFS Denver regional office.

3. Benefits are based on the 1980 RPA Program value of $12 per RVD for wilderness recreation use. A more recent study conducted by the Forest Service for the 1985 RPA Program places the value at $20 per RVD. Were the more recent value used, Net Public Benefits would be $+36 million and the benefit/cost ratio 39.09.

II. Timber Values

Much of the concern over wilderness designation comes from timber interests. Advocates of the timber industry often talk about "opportunities foregone." These "opportunities" are the timber resources identified in each proposed wilderness.

As a general proposition, the Forest Service cannot grow a tree in the national forests of the Rocky Mountain Region and make money.(1) In fact, on the average, Colorado forests lost 94¢ on the dollar in 1982. In the most recent year for which statistics are available from the Forest Service, fiscal year 1982, the timber programs on all of the Colorado national forests operated at a net loss. (See Table 2). The loss was approximately $95.35 for every thousand board feed (Mbf) of timber for a total loss in excess of $19 million.

Our calculations indicate that the 18 areas in the Conservationists' proposal contain approximately 28 million board feet (MMBF) of timber available to cut. Based on our calculated return of 6¢ on the dollar these 18 proposed wilderness areas would cost the federal treasury $2.3 million each year if logged. The benefit/cost ratio is a negative 17 to 1.

Comparing costs of administering our proposal vs. timbering the areas we thus find that timbering costs the federal treasury $1.7 million more than protecting these areas as wilderness.

Comparing benefit/cost ratios we find that wilderness has a net positive benefit/cost ratio of 23 to 1 while timbering has a net public deficit of 17 to 1.

It is clear that from a fiscal perspective the areas are better managed as wilderness. We have little doubt as to which course is in the public interest when determing the future of the national forests in Colorado.

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1 - Below cost timber sales on the National Forests, The Wilderness Society July, 1984.

- Congress needs better information on Forest Service's below cost timber sales, GAO RECD 84-96

Table 7. Timber Costs and Receipts from National Forests in Colorado, Fiscal Year 1982

Forest	Costs			Timber Sale Receipts[3]	Net Timber Receipts	Ratio of Timber Receipts To Cost
	Management[1]	Roads[2]	Total			
	. . . . .thousand dollars. . . . . ($/Mbf of Timber Sold)					
Arapaho-Roosevelt	1,007(35.18)	1,672(58.41)	2,679(93.59)	232(8.10)	-2,447(- 85.49)	.09
Grand Mesa, Uncompahgre Gunnison	1,689(50.36)	1,435(42.79)	3,124(93.15)	123(3.67)	-3,001(- 89.49)	.04
Pike-San Isabel	1,023(54.92)	337(18.09)	1,360(73.01)	299(16.05)	-1,061(- 56.95)	.22
Rio Grande	1,507(40.91)	3,352(91.00)	4,859(131.91)	103(2.80)	-4,756(-129.12)	.02
Routt	1,204(33.71)	2,530(70.84)	3,734(104.55)	228(6.38)	-3,506(- 98.17)	.06
San Juan	1,373(54.01)	1,576(61.99)	2,949(116.00)	82(3.23)	-2,867(-112.78)	.03
White River	816(38.46)	832(39.21)	1,648(77.67)	128(6.03)	-1,520(- 71.64)	.08
TOTAL	8,619(42.89)	11,734(58.40)	20,353(101.29)	1,195(5.95)	-19,158(-95.35)	.06

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[1] Management costs include timber sale preparation and administration, specific activities in support of timber sales (e.g. hydrologists, soil scientists), reforestation and timber stand improvement. Timber salvage, brush disposal and general administrative costs are not included.

[2] Road building costs include road construction from appropriated funds and engineering support. Purchaser road credit costs are not included.

[3] Timber sale receipts are based on "statistical high bid" values for timber prepared and sold during FY 1982. This does not include the value of roads constructed by timber purchasers.

III. Oil and Gas

Three areas have been identified as having potential for oil and gas: Spanish Peaks, Sangre de Cristos, and South San Juan additions.

A. Spanish Peaks

According to a U.S.G.S. report (Petroleum Potential of Wilderness Lands in the Western United States, circular 902, 1983), Spanish Peaks is rated as having low potential for oil and gas. There are no existing leases in Spanish Peaks although there are approximately 16,000 areas of pending lease applications.

The Pike/San Isabel draft forest plan recommends that the core of Spanish Peaks, or about 3,000 acres be a no leasing area. It further recommends that another approximately 3,600 acres be leased with No Surface Occupancy stipulations (See Attachment). This is a proposed action in response to the unique and special character of the Spanish Peaks. Thus, of the 19,000 acres of pending lease applications approximately 6,600 acres would be either no leasing or NSO stipulations.

It is important to note that Spanish Peaks is not a known geologic structure (KGS). Leases here are, therefore, speculative. Roughly 90% of these types of leases expire without ever being drilled. Of the 10% drilled only about 10-15% of these ever strike oil. Thus about 1% of these speculative leases ever result in production.

The conclusion we are led to is that there is very little chance of drilling ever occurring in Spanish Peaks. The presence of lease applications should not be a barrier to wilderness designation.

B. Sangre de Cristo

The lower portion of the east side of the Sangres as well as the Huerfano Valley and Slide Mountain area have pending lease applications. USGS has rated this area as having low oil and gas potential.

These leases do not occur within any KGS nor has any oil or gas been proven up in the area.

One of the reasons cited for not adding the Huerfano Valley and Slide Mountain areas to S. 2916 is the presence of pending lease applications. The draft Pike San Isabel Forest Plan recommends the bulk of these two areas for non-leasing with their peripheries being NSO. (See Attachment) Pending lease applications should not disqualify these additions as the areas will probably not be leased. Rather, they both should be added to S. 2916.

The pending leases referenced above as well as the ones on the east side of the range are all filed by ARCO. S.2916 proposes a boundary, supported by

ARCO, for the lower third of the Sangres which draws a line down the mountain divide. The western flank of the Sangres would be wilderness, the eastern flank, non-wilderness. This would be hard to manage and would not protect the values of the range. The boundary in S.2032 makes better sense and protects the integrity of these spectacular mountains.

C. South San Juan Additions

There are about 2,600 acres of existing leases in the V-Rock section of the South San Juan additions. There are also about 5,000 acres of pending applications. None of these occur in a KGS nor have any of the existing leases been drilled even though several were granted in 1978.

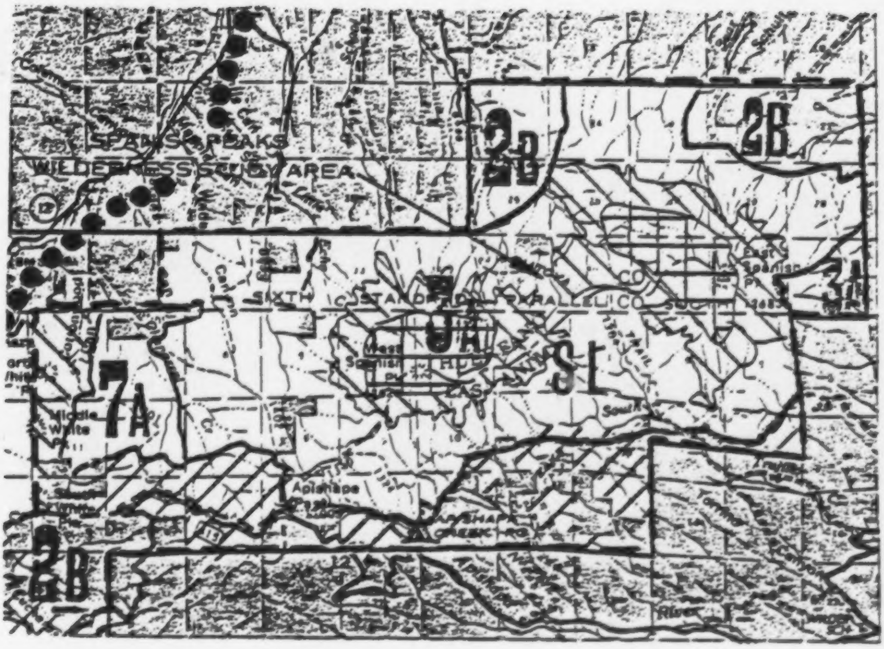
The Forest Service received a letter, from a consulting oil geologist, criticizing the Forest Service's interpretation of the mineral value of V-Rock. That letter concludes that the value to be "fair" with most of the oil and gas bearing anticlines outside of V-Rock. A copy of this letter has been submitted to Senator Armstrong.

The presence of leases and pending leases on V-Rock tends to confirm this interpretation. They all lie around the periphery of the unit. (See Attachment)

It is fair to say that oil and gas issues should not be a major factor when considering these units. Their demonstrated wilderness values outweigh any marginally possible oil or gas production.

The 18 areas contained within the conservationists proposal should be enacted as wilderness. They have high wilderness values, high economic returns to the state and low costs of administration. Timbering is not cost effective nor are oil and gas values high. The Wilderness Society urges the subcommittee to act favorably on all 18 areas. Thank you and I would be happy to answer questions.

ATTACHMENT 1
Spanish Peaks

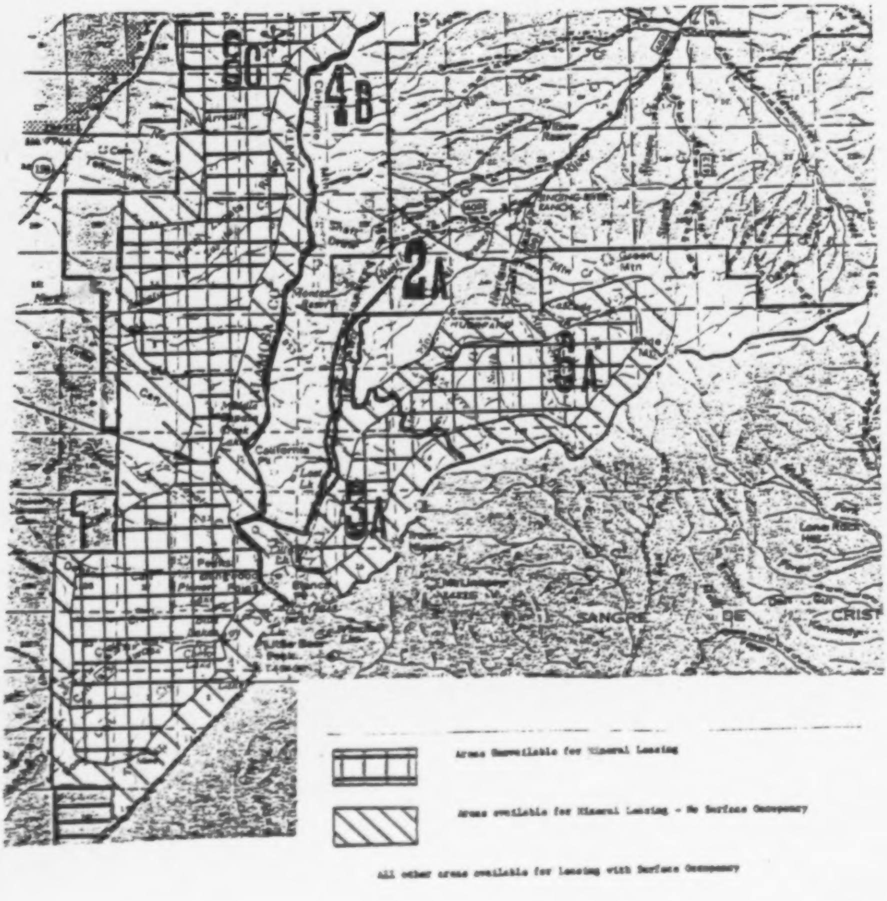

SPANISH PEAKS
WILDERNESS STUDY AREA
2B
2B
3A
SIXTH
PARALLEL
3A
West Spanish Pk
SL
7A
Middle White
Apishapa
APISHAPA CREEK RD
2B
River

▥ Areas Unavailable for Mineral Leasing

▨ Areas available for Mineral Leasing - No Surface Occupancy

All other areas available for leasing with Surface Occupancy

ATTACHMENT 2
Sangre de Cristo


6C
4B
2A
6A
3A
1
Green Mtn
Lone Rock Hill
SANGRE
DE
CRIST
Areas Unavailable for Mineral Leasing
Areas available for Mineral Leasing - No Surface Occupancy
All other areas available for Leasing with Surface Occupancy

ATTACHMENT 3

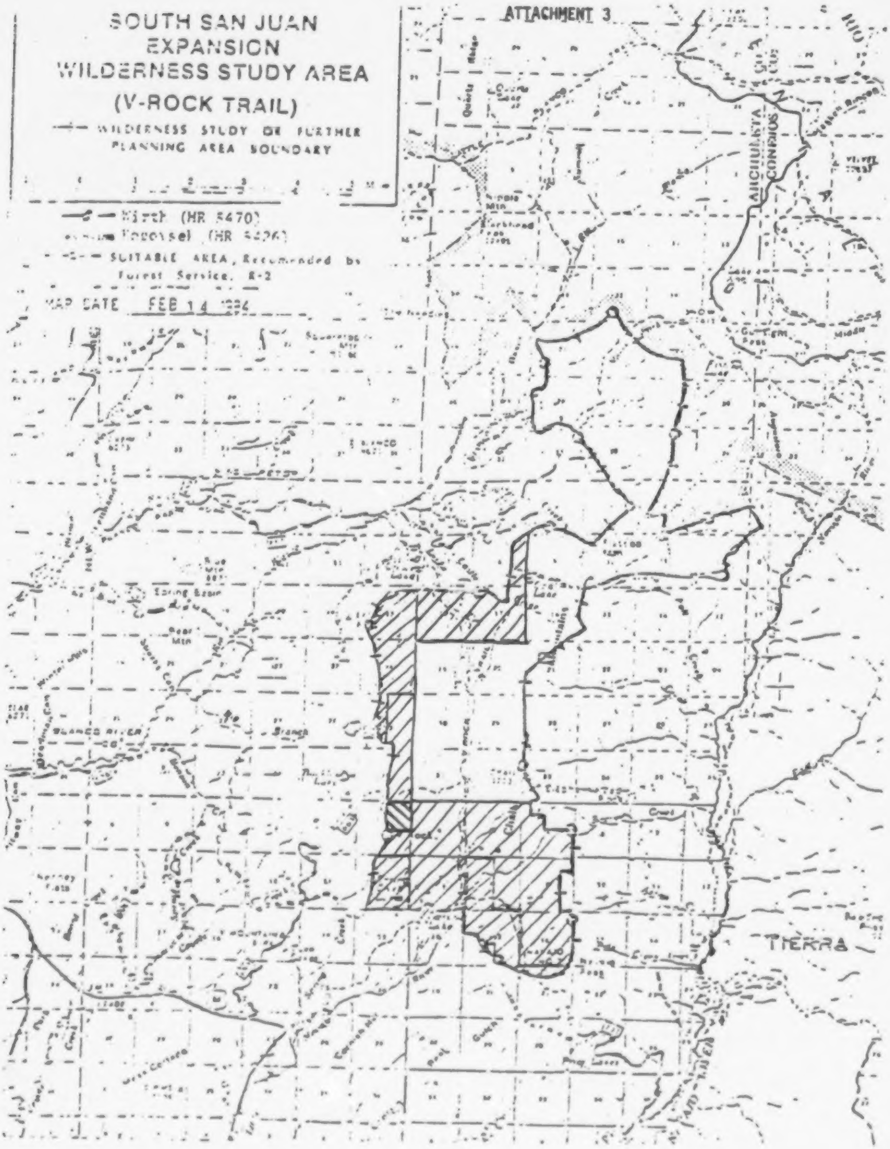

SOUTH SAN JUAN
EXPANSION
WILDERNESS STUDY AREA
(V-ROCK TRAIL)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Wirth (HR 5470)
Proposal (HR 5426)
SUITABLE AREA, Recommended by Forest Service, R-2
MAP DATE FEB 14 1986
ARCHULETA
CONEJOS
Quartz Ridge
Spring Basin
Bear Mtn
BLANCO RIVER
TIERRA

Table 2-8

Currently Designated Colorado Wilderness Areas[1]

Name of Area	National Forest	Gross Acres[2]	Net Acres	1981 Use (thousand visitor days)
Big Blue	Uncompahgre	97,700	97,350	53.5
Cache La Poudre	Roosevelt	9,400	9,400	1.8
Collegiate Peaks	Gunnison, San Isabel, and White River	159,900	159,900	153.2
Comanche Peak	Roosevelt	67,500	67,500	19.8
Eagles Nest	Arapaho and White River	133,915	133,688	78.0
Flat Tops	Routt and White River	235,230	235,035	101.4
Holy Cross	San Isabel and White River	126,060	116,870	87.4
Hunter-Fryingpan	White River	74,450	74,250	45.4
Indian Peaks	Arapaho and Roosevelt	70,894	70,374[3]	310.2
La Garita	Gunnison and Rio Grande	101,286	101,286	32.3
Lizard Head	San Juan and Uncompahgre	41,496	41,158	28.2
Lost Creek	Pike	106,000	105,680	56.7
Maroon Bells-Snowmass	Gunnison and White River	174,429	172,560	199.3
Mount Evans	Arapaho and Pike	73,000	73,000	78.0
Mount Massive	San Isabel	26,000	26,000	30.5
Mount Sneffels	Uncompahgre	16,200	16,200	11.1
Mount Zirkel	Routt	139,898	139,818	66.3
Neota	Roosevelt and Routt	10,220	9,836	5.1
Never Summer	Arapaho and Routt	14,100	13,702	53.4
Raggeds	Gunnison and White River	59,200	58,950	19.0
Rawah	Roosevelt and Routt	73,899	73,109	22.6
South San Juan	Rio Grande and San Juan	127,721	127,721	41.5
Weminuche	Rio Grande and San Juan	465,690	461,459	255.4
West Elk	Gunnison	176,412	176,092	101.5
TOTAL		2,580,600	2,560,938	1,851.6

[1] Acres are approximate. Final acreages to be determined based on congressional acceptance of final maps for the areas.

[2] Gross acres are all lands inside wilderness. Net acres are only National Forest Service lands.

[3] Does not include 2,900 acres transferred to Rocky Mountain National Park by P.L. 96-560, December 22, 1980.

Source: Land Areas of the National Forest Service, as of September 30, 1980, FS-360.

Source: Rocky Mountain Regional Guide, 1984

ESTIMATED TIMBER POTENTIAL OF PROPOSED WILDERNESS AREAS .

roposed Areas in HR 5670	Long-Term Sustained Yield MMBF	Allowable Cut MMBF	Return (Loss) to Treas
ig Blue Additions	0	0	
ob Adams (Service Creek)	3.889	3.889	$(381,68
uffalo Peaks	4.207	3.307	(188,33
annibal Plateau	2.198	2.198	(196,59
owderhorn	1.0	1.0	(89,49
avis Peak (Mt. Zirkel Additions)	.460	.460	(45,15
ossil Ridge	.325	.325	(29,08
reenhorn Mtn.	2.760	.62	(3,53
ost Creek	2.586	2.292	(130,52
h Be Joyful	0	0	
iedra	8.264	5.713	(644,31
St. Louis & Vasquez Peaks	.927	.927	(79,24
Sangre de Cristos	7.165	4.640	(264,24
South San Juan Expansions	6.032	1.50	(169,17
Spanish Peaks	.87	.52	(2,96
Spruce Creek	.64	.64	(4,58
est Needles	.50	0	
eminuche	.054	.054	(56
Wheeler Geologic	.639	.639	(82,50
TOTALS:	42.516	28.454	$(2,312,08

NOTE:
In cases where Forest Service figures were not available estimates were made. Where Forest Service figures on long term sustained yield were available but not allowable cut, long term sustained yield figures were used.

Senator **Wallop**. Thank you, Mr. Scott. I will get a little more precise on this as we go on, but there are still 28 witnesses left to receive testimony from.

I see Senator Armstrong has come in, and as I stated, we would hear from him as we did from Senator Hart as soon as he arrives.

Bill, if you want to do it from up here?

Senator **Armstrong**. Thank you. That would be helpful, Mr. Chairman.

STATEMENT OF HON. WILLIAM L. ARMSTRONG, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator **Armstrong**. My statement really will be quite brief. I have submitted for the record a very lengthy discussion of the Colorado wilderness bill, and I believe that the proposal which I have submitted is probably the most carefully researched and most thoroughly studied bill of its kind that has ever been presented to the Congress, and I say that not because of my own direct involvement, but because literally hundreds of Coloradans have participated in formulating this bill.

In essence what we did is we took the Forest Service proposal, BLM proposal, and we submitted it to several hundred people who are knowledgeable and are interested in wilderness, those who are in the mining business, in energy development, recreation and so on, and said give us your comments, and they did so in very large numbers, and then we drew our maps and introduced a bill in August.

Having done that, we then took the maps on the road in Colorado and invited people to come in for a series of open house meetings around the State. They would come in and not in a hearing format or format where they would say we would like to have more wilderness or less wilderness, we haven't got enough or we have got too much, but where they would go over with us the lines on the map and say now here is a place where there is an in-holding or here is a place where there is a road or here is a unique feature, and so we ended up with what we think is the finest and best body of information about proposed wilderness areas that are available, and we are very pleased about that.

The process that we have been following, Mr. Chairman, is this. Every member of the Colorado delegation has now submitted a proposed bill, and when I completed the process I have just described, my staff and I began to meet with other members of the delegation in the hope that we can present to the committee and the Senate for final action this year a Colorado wilderness proposal, and so I am very grateful to you for holding this hearing, and even though the hour is very late and only a few days remain in this session, I am grateful to you for taking the time to be interested in this in the hope that in fact we can enact the wilderness bill.

We are very close to being able to do it. In fact, I know the committee does not wish to try to resolve boundary disputes among members of the delegation, and in fact historically this committee has declined to do so, but I honestly think that we are close enough, those of us who are working on this in the delegation, that on the boundary issues we will shortly have a unified position to recommend.

One of my colleagues, Ray Ligosi, summed up the whole issue as far as boundaries better than I can at the time I introduced my bill. It is a little different that what some of the others recommended in a couple of respects—first, because I have 400,000 acres of parkland included in my bill which is not in the others, and second, because in some areas I have recommended a smaller designation and some others, larger, but for the most part slightly fewer acreage.

Ray took a look at the maps and some reporter said are we going to get a wilderness bill? He said sure. It's simple. Gary is going to have to come down a few acres and Bill is going to have to come up a few acres, and then we will get a bill, and that is exactly the way it is going to work out in my opinion.

I am also very grateful to those from Colorado who have come back to testify on this issue, not only for their participation this morning, but for interest in and patience concerning consideration over a long period of time.

The one major stumbling block that we have, Mr. Chairman, and this is covered in my written statement as well, and I know is a part of the testimony which is being submitted to the committee here today, is this water question. I would just like to give the background of it, not to get into the legal issues which are more fully addressed in my written statement and on which you have some of the foremost water experts in the West who are prepared to testify today, but here is the background of it.

Two years ago when I introduced my wilderness bill I included a provision which was intended to make it absolutely crystal clear that wilderness legislation was water neutral dating back to the days when Wayne Aspenall ran the Interior Committee in the House and when Gordon Allott and Barry Goldwater and others were in on the creation of the wilderness bill in the first place.

It has always been the understanding that creating wilderness areas did not per se grant any new water rights to the Federal Government, and in a State like ours where we are perpetually short of water and where water is the only resource that is really a critical limitation on the future of our State, we have just adhered to that because there has never really been any questions in the mind of water authorities that wilderness didn't mean necessarily per se any new water rights under the Federal reserved rights doctrine.

Well, for that reason, I was very skeptical 2 years ago when some of the State water lawyers said look, you better include a section in your bill that spells that out again, and I was very reluctant to do so but finally out of an abundance of caution I agreed to put that in my bill 2 years ago.

Now this year, one of the environmental groups filed a suit in Federal district court which raised that issue in a very direct way, and I was taken a little by surprise because I thought the provision that had earlier been recommended to me honestly was just gilding the lily, but on the 29th of July in Federal district court Judge Kane handed down an initial ruling which implies that perhaps new wilderness designation does in fact result in some kind of new

Federal reserved water right, and so with that in mind, it does appear that the language which I suggested in my bill 2 years ago and which is included again at the suggestion of the water lawyers, some of whom are here in the room, in this year's bill is needed, not necessarily in the exact form I have submitted it.

I, of course, did not write those words, but I am just representing the water interest, and we are flexible to negotiate on that, but in some way or another we need to be sure that we are not opening Pandora's box.

Now without going further into the legal issues, let me just point out that we have submitted for the record, and I hope the study of the committee, a lengthy discussion of the legal background of this matter, the original congressional intent, and the issues in the case which is pending in Judge Kane's court, submitted by some of the foremost authorities on this matter in our State—Ray Cobbs, Sam Wayne, Ken Balcomb, Jim King—some of whom are here and will testify.

In addition, this matter has been under very active study by the city of Colorado Springs, and if it is not already done so, I understand that the mayor of Colorado Springs, Bob Isaac, is here to testify and to express the same concern that I have just expressed. I haven't had a chance to talk to Mayor Isaac. He is an old friend, but from what I have heard, he is pretty hot about this issue, and justifiably so, because his community is potentially at least, very heavily involved. And so the long and the short of it is that these water experts who represent the Colorado Water Congress Federal Affairs Committee have in their memorandum of law just made it clear that they think it would be foolhardy for us to pass legislation that doesn't in some way or another, in some words or another, be sure that we are not accidentally creating new Federal water rights.

Mr. Chairman, in closing let me just say this. They could be 100 percent wrong. It is certainly possible even though collectively that these men probably know more about water legislation and water law than the whole rest of the State put together, but they could still be wrong.

In my opinion, however, to ignore such a clear warning from the people who have for decades protected the water rights of the Colorado municipalities, ranchers, farmers and others, would really be going off half cocked. What we hope to be able to recommend to you shortly, possibly this week, is not only a wilderness bill that will have the boundary issues settled, but also which will contain some kind of language to set these fears to rest, so Mr. Chairman, thank you for letting me pop in. I have just gotten off the plane from Colorado, and I apologize for my late arrival, but I am glad to have a chance to weigh in on this issue and to express my appreciation to you for paying attention to it and being concerned about our wilderness problems.

[The prepared statement of Senator Armstrong follows:]

STATEMENT OF SENATOR WILLIAM L. ARMSTRONG
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SEPTEMBER 18, 1984

MR. CHAIRMAN: I am very grateful to you and the members of the Subcommittee for scheduling this hearing on the three Colorado wilderness bills at this very busy time in the session, but it is my hope and that of the Colorado delegation to reach a compromise before the end of the session. In that vein, it gives me great pleasure to appear before you to speak on behalf of S. 2916 -- a bill which would designate as wilderness in Colorado an additional 443,131 acres of National Forest and public lands and another 435,624 acres of National Park lands -- for a total of 878,755 additional wilderness acres. This bill would also clarify, for purposes of Colorado wilderness designations, that the creation of wilderness does not by itself establish a separate and distinct reserved water right for the United States.

Gifford Pinchot, America's first forester and one of the driving inspirations behind the conservation movement in this country, outlined back in 1910 the objectives of conservation in these now-celebrated words:

> Conservation means the wise use of the earth and its resources for the lasting good of man. Conservation is the foresighted utilization, preservation, and/or renewal of forests, waters, lands and minerals for the greatest good of the greatest number for the longest time.

More than 70 years later, these words still ring true. And yet, few people today seem to speak about natural resources with such moderation and compelling good sense. Our national public discussion of natural resource issues has too often become strangely and bitterly divided between the extreme poles of development and preservation, and this country cannot be well served by any policy produced from a battle between two such extremes.

The nation is moving through an extraordinarily important era of decision in which we will have to balance the need for resource development against the need to preserve the priceless natural and scenic values that still exist. For Colorado -- with its large undeveloped energy and water potential, its rapidly growing economy and industries, and its unique natural splendors -- this debate has special significance. The time has definitely come, in my opinion, for a return to the first principles of conservation and a new, moderate consensus approach to the management of the public lands. A good start would be with the words of Pinchot. "Conservation," he said, "means the greatest good to the greatest number for the longest time." He added that it "demands the application of common sense to the common problems for the common good."

This was the moderate and reasonable spirit that guided Coloradans in 1980, when we got together and wrote a very sensible wilderness bill. That process began in controversy and covered a long list of fundamental issues. But in the end, we Coloradans agreed on a bill that was well balanced, and one that was good for our State and good for the Nation. At the same time, I believe we laid the foundation for a lasting consensus on how to approach these critical natural resource issues.

It is in this spirit and with this intention that I introduced S. 2619 -- the Colorado Wilderness Act of 1984. Before going into the details of this legislation, however, I would like to put it in perspective by reviewing the nature of public lands in the State of Colorado and the history of wilderness legislation in our State.

The federal government owns outright and actively manages 36% of the State of Colorado...an area larger than 13 individual states. The largest federal landholders are the Forest Service, with 14.4 million acres, and the Bureau of Land Mangement, with 8.3 million acres. Colorado has been richly blessed with an abundance of wild lands. Our first wilderness area was created in 1931, when the Mount Zirkel/Dome Peak Primitive Area was designated in the Routt National Forest, and ten more Primitive Areas were set aside by 1939. Five new wildernesses were designated with the passage in 1964 of the first national wilderness legislation, and public land agencies began a long and comprehensive inventory to identify and protect as wilderness the most spectacular and wild lands in the country. The Wilderness Act of 1964 created the National Wilderness Preservation System and described potential wilderness as areas that were untrammeled by man and shaped largely by the forces of nature, and which offered exceptional prospects for solitude and primitive recreation.

In the twenty years since the Wilderness Act was passed, Colorado's National Forest Lands have been the subject of intense study for their wilderness character. In our State alone, the Forest Service has studied 6.15 million acres during its Roadless Area Review Evaluations, popularly known as RARE I and RARE II, while the National Park Service and the Bureau of Land Management have been conducting their own reviews.

In the wake of these studies and the litigation that followed, Colorado took the lead in addressing its wilderness concerns when the Colorado congressional delegation forged an agreement in 1980 that added 12 Colorado Forest Service areas and 1.4 million acres to the National Wilderness Preservation System. After the Colorado Wilderness Act of 1980 became law, the Forest Service was left to study 18 areas concurrently, for a total of approximately 675,000 acres. The Forest Service has now completed, or is nearing completion of, those studies and the Bureau of Land Management has completed its wilderness study of the Powderhorn Primitive Area. I might note at this point, that during this period neither the Forest Service, Park Service, nor the Bureau of Land Management in any of their wilderness

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studies analyzed the impacts of creating a new wilderness reserved water right on existing private water rights — except to the extent that a diversion might occur within a wilderness area.

Two years ago, I introduced the Colorado Wilderness Bill of 1982 to complete the wilderness system in Colorado's National Parks. At that time, I called for new wilderness legislation to finish the work we started on Forest Service Lands in 1980. I felt then as I feel now that we should lose no time in making these wilderness decisions, once the careful review of the Forest Service is completed.

The Forest Service's review includes the preparation of a draft environmental impact statement on a land and management resource plan for each of the national forests in Colorado. The management plans include analysis of the wilderness study areas and discussion of management plans for other areas within the national forest. The draft EIS is then circulated for public comment through the mail, by public meetings, notices in the press, and other outlets. The hundreds of comments received from private citizens, local and state agencies, and various organizations are then reviewed and considered in the development of the final EIS for the management plan.

In my view, this is an important part of the process and we should not short-circuit the public comment. For example, in the draft EIS on the land and resource management plan for the Pike and San Isabel National Forests, the Buffalo Peaks wilderness study area was not recommended for wilderness designation because of many conflicting uses and needs throughout the area. However, strong public comment and support convinced the Forest Service to revise the plan and develop a recommendation that will include a 36,060 acre wilderness designation from within the 56,900 study area. Other examples of changes in Forest Service plans, as the review moved from draft to final, include numerous boundary changes in the recommended Sangre de Cristo area to accomodate a variety of needs and uses.

Final environmental impact statements have been prepared for most of the areas under study. In other cases, the substantial work on the final EIS has now been completed and the public comment thoroughly reviewed. This, in fact, is the situation for the Pike and San Isabel study, and recommendations from the Rocky Mountain Region of the Forest Service have been transmitted to the Forest Service in Washington.

Two remaining areas, the Wheeler Geologic and the Oh-Be-Joyful wilderness study areas were given special study status in the 1980 Colorado Wilderness Act. We do not have final EIS's from the Forest Service, although draft recommendations call for release for both areas. Final recommendations are expected shortly, and while I do not expect any significant changes from the Forest Service's previous recommendations, I have not addressed these two areas in my legislation and will consider amendments as we move through the legislative process.

With most of these reviews now completed, I believe the time has come for Coloradans to put our heads together and work out a new wilderness bill that will answer the remaining questions about most of our State's wild lands. As a strong supporter of the National Wilderness Preservation System, I am very pleased that we have reached this point, and I am including in my bill twelve Forest Service and Bureau of Land Management areas totalling 443,131 acres.

In addition, I think that it is also timely for Congress to consider certain other wilderness designations for National Park Service lands in Rocky Mountain National Park, Colorado National Monument and Dinosaur National Monument. It is true, of course that National Parks generally are already protected from several kinds of developments; but I think we should add this extra measure of protection from the heavy development pressures that even our National Parks will begin to feel. This is nowhere more true than in Colorado, where there is a large and rapidly growing population within a few hours drive of every Park in the State. Accordingly, this legislation designates as wilderness 435,624 acres in these park preserves.

The total acreage in S. 2916, as introduced, would add 878,755 acres of new wilderness designation to the 2,651,278 acres already protected as wilderness and would release 266,358 acres to be managed for a variety of beneficial public uses, such as recreation, resource development, and wildlife enhancement.

For my own part, I remain flexible on nearly all the proposals in this legislation. I regard this measure as a point of departure rather than as a final product. The areas my bill includes and the boundaries it delineates are not set in concrete, and, having heard from many Coloradans on my proposal, I am entertaining a number of boundary modifications and area additions. In fact, during the past three weeks such changes have been discussed among the Colorado delegation's staffs, and I expect that other changes will develop as the Colorado congressional delegation meets to develop a consensus wilderness bill for our State. I for one am looking forward to continuing these discussions and am convinced that the increased knowledge gained by pooling the information from all of the offices and cooperating groups will make it possible to produce an excellent wilderness bill.

The central principle that must guide the final development and passage of this legislation, however, is that the public lands belong to all of the people. The members of the delegation have an overriding responsibility to provide the fullest information to all concerned, but particularly to those who are directly affected in our state, and to assure that all Coloradans have an opportunity to participate in this process. There has already been a great deal of public input in the preparation of these bills and, as far as I am concerned, the more the better. I don't think any member of the Colorado delegation will claim to be an expert on forest management, land use or the intricacies of wilderness legislation. We are eager to hear from the witnesses who have taken their valuable time to be here today and as many other interested persons as possible.

In drafting my wilderness proposal, I conducted my own review, area by area and issue by issue, just as I did during consideration of the wilderness bills of 1980 and 1982. I have reviewed the letters and comments from Coloradans, the detailed comments of state and local officials, as well as the advice of numerous interest groups. I have also studied the recommendations of the federal agencies which themselves were the product of literally thousands of letters and comments by public officials, private citizens and public interest groups. In addition, during the August recess I sent members of my staff out to Colorado with the official quadrangle maps of my proposal to hold open houses throughout the State. I am pleased to report that the meetings were well attended and very productive -- generating hundreds of constructive comments.

As you might expect, this has been a very time-consuming process with painstaking detail work, but my aim is to produce a balanced bill and one that represents the interests of all Coloradans.

This is the same goal we aimed for during consideration of the Colorado Wilderness Bill of 1980. That year's RARE II legislation clarified grazing guidelines to eliminate grazing use questions that had plagued ranchers for years. The problem of access to privately owned inholdings within wilderness areas was addressed. Language was included in the bill calling for a reassessment of Forest Service practices for controlling fire, disease and insect outbreaks in wilderness areas. The buffer zone questions were also addressed to give the Forest Service and non-wilderness users a degree of certainty in their land management planning. The legislation also included a nationally significant compromise on language to release non-wilderness lands to multiple use management. Finally, it designated several areas for further review, many of which are dealt with in S. 2916.

Serious issues have arisen in connection with this new wilderness legislation. In completing my review of issues involved this time around, I have identified one particularly significant issue which many constitutents inform me we must fully explore before we — the Colorado delegation — can make a responsible decision on further wilderness desitnations. That issue concerns the status of federal reserved water rights.

Water Rights

One of Colorado's scarce and most valuable natural resources is water. Over the years we, along with many other Western states, developed a system for allocating this scarce resource. Our Colorado constitution, state law and court decrees have granted water rights to individual farmers and ranchers, to the citizens of our towns and cities, to industrial users, and others on the basis of who may put this valuable resource to beneficial use. The priority of each individual right to use water is determined by the date the water was first used and all water rights are ranked accordingly. This time-tested water right system has served our state well and deserves vigilant protection by Colorado public officials and private citizens alike.

A central question has come up as to whether designating federal lands as wilderness creates a new reserved water right in the federal government, and I would like to take a moment to outline this concern.

Near the turn of the century, the United States Supreme Court held in the case Winters v. United States that, when the federal government set aside some of its land for a specific purpose, it reserved to itself enough water for that purpose. These are called reserved water rights and, as every Westerner knows, they have been the subject of considerable controversy for many years because they could eventually displace other water rights established on the same stream. After many years of struggle, Colorado has finally been able to make some progress against the federal government's reserved rights claims by forcing them into court to quantify these otherwise vague rights and establish the date of their claim the same as all other water users. Recently, however, I was warned by key leaders of Colorado's water community that there is a very real threat that the reserved rights doctrine may be expanded to the detriment of our State's system of water law.

Some people are contending that congressional creation of a wilderness may create a new kind of federal reserved water right in addition to the federal reserved rights created in the Winters case. This has serious implications for water rights established by Colorado's urban and rural communities, farmers, ranchers and other landholders.

The issue is currently in litigation before Federal District Court in Colorado in a suit brought by the Sierra Club against the Forest Service. As it has been explained to me, this suit charges that the federal government has refused and has failed to apply for and quantify reserved water rights in Colorado's 27 existing wilderness areas.

Knowledgable water law experts tell me that the suit essentially contends that designation of a wilderness area creates a new federal reserved right, above and beyond any reserved right originating from the land being designated National Forest or National Park lands. I am also told that from the complaint it is unclear if these alleged new reserved rights are meant to have a seniority date tied to the original reservation of the forest lands in the late 1800's and early 1900's or from the date of creation of the wilderness areas,...but that in either case, such a new reserved right would work havoc upon current and future water rights in Colorado.

The practical and legal implications of such a wilderness reserved water right and an analysis of the Sierra Club v. Block litigation are well explained in a memorandum of law prepared at my request by the Colorado Water Congress Federal Affairs Committee, Reserved Water Rights Working Group. I ask that this memorandum be placed in the hearing record at the end of my statement, and at this point I will leave the details of this memorandum and the practical, on the ground impacts of creating a new reserved water right for wildernesses in Colorado to the other witnesses today representing Colorado's water community.

However, after a careful review of this document, other relevant materials that show congressional intent in creating Colorado's existing wildernesses and after seeking legal counsel on the matter, I remain convinced that Congress intended no reservation of any kind of water right through the creation of the wilderness system and that such a "reservation" would do serious violence to Colorado's long-standing system of state water law -- threatening the water rights of thousands of Coloradans.

Now, as in 1980, the Colorado congressional delegation has studied the impact of wilderness designations on mining, grazing, timber, motorized vehicle use, and other resource development conflicts. Yet we have not given the same consideration to private water rights existing within or affected by wilderness areas because it has never been assumed that the creation of wilderness created a new, competing federal water right. To disregard the threat of the pending lawsuit and its potential impact on existing water rights would be to leap before looking. Before designating additional wilderness areas in Colorado, I believe that we must be certain of the final impact of such a fundamental policy decision.

For this reason, my bill contains straight-forward language that clearly states what I know to have been congressional intent in creating Colorado's wilderness areas; namely, that wilderness designation is neutral as to water rights, neither creating a new right nor extinguishing any previous water right (private or federal). The provision expressly provides that:

> No provisions of this Act nor any other Act of Congress designating areas in Colorado as part of the National Wilderness Preservation System, nor any guidelines, rules, or regulations issued thereunder, shall constitute the establishment of a right to the use or flow of water in the Federal Government because of the designation: Provided, however, That this provision does not constitute an express or implied claim or denial on the part of the Federal Government to the use or flow of water in any other congressionally designated wilderness area in the United States.

This language is proposed to put to rest this issue raised by the Sierra Club's litigation, so that the Colorado congressional delegation can freely move forward and pass a wilderness compromise. I want to emphasize, however, that I have no pride of authorship and would welcome suggestions for drafting the language more precisely. However, the intent behind the language is non-negotiable — namely that wilderness designation does not create a new water right.

In conclusion, I want to make it clear that Section 7 of my bill neither creates a second class of wilderness area for Colorado nor does it leave Colorado's wilderness areas vulnerable to being dried-up by water diversions within their boundaries or upstream of the areas. Clearly the Federal Government has a reserved water right created at the time the Forest and National Park lands were reserved from the public domain, and those rights are now being quantified in Colorado's Water Courts and would remain unaffected by the language proposed in my bill.

Moreover, Colorado has taken far-sighted action under a 1973 State law to insure that its waters are protected from over use by competing water interests. Under Colorado law, known as Senate Bill 97, the Colorado Water Conservation Board — a subdivision of the State's Department of Natural Resources — has been authorized to appropriate through State Water Courts a minimum instream flow to "preserve the natural environment to a reasonable degree". I have attached a copy of the law and ask that it be included in the hearing record at the end of my statement.

Under Senate bill 97, the Colorado Water Conservation Board has appropriated to date a minimum instream flow in approximately 5,000 miles of Colorado rivers and a minimum level for over 500 lakes — including the waters that pass through some of Colorado's wilderness areas — for example the Holy Cross Wilderness area. It clearly is in the State's interest to protect its rivers and lakes and in turn protect the value of the lands which they pass through. Colorado has recognized that responsibility, and I believe that the State is the best governmental entity — not the Federal Government — to balance the competing interests and to protect its water resources through assertion of a water right.

With this issue addressed, I believe that the Colorado congressional delegation can rapidly reach agreement on wilderness boundaries, and I look forward to using the information of those who testify here today in helping us shape a viable and meaningful Colorado wilderness bill and gain its passage during this session.

Thank you.

COLORADO WATER CONGRESS
1390 LOGAN STREET, ROOM 312 • DENVER, COLORADO 80203 • PHONE (303) 837-0812

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Executive Director

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Denver, CO

September 6, 1984

The Honorable William L. Armstrong
United States Senate
528 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Armstrong:

Enclosed please find the analysis of our Federal Affairs Committee federal reserved water rights work group regarding the Sierra Club v. Block suit and the issue of federal reserved water rights for wilderness areas.

We urge inclusion, in any Colorado Wilderness Act, of the language contained in section 7 of Senator Armstrong's Wilderness Bill.

Best regards.

Very truly yours,

John M. Sayre

John M. Sayre
Chairman
Federal Affairs Committee

JMS:mg

Enclosure

MEMORANDUM

TO: Colorado Congressional Delegation, Governor Lamm, Attorney General Woodard, Colorado Water Conservation Board

FROM: Colorado Water Congress Federal Affairs Committee, Reserved Water Rights Work Group - John Sayre, Greg Hobbs, Don Hamburg, Sam Maynes, Wayne Williams, Jack Ross, Ken Balcomb, Jim Engelking

DATE: September 6, 1984

RE: Sierra Club v. Block; Federal Reserved Water Rights/Wilderness Areas; S. 2916 - Armstrong Wilderness Bill

Now pending in the Federal District Court for Colorado is a suit by the Sierra Club designed to compel the United States to make additional federal water rights claims to large amounts of Colorado water. The complaint is attached for your reference.

In paragraph 1 of the complaint the Sierra Club seeks a judgment declaring that "the U.S. possesses the reserved water rights necessary to fulfill the purposes of all present and future wilderness areas in Colorado." (emphasis added)

In paragraph 24 of the complaint, the Sierra Club alleges that the Wilderness Act requires "preservation of the water resources" within wilderness areas in "their natural condition." (emphasis added)

In Section VIII(b) of the complaint, the Sierra Club seeks a judgment that "the United States possesses federal reserved water rights sufficient to fulfill the purposes of

Colorado's 27 wilderness areas, with a priority date as of the date of each reservation." (emphasis added)

Since the 1964 Wilderness Act was passed, no Federal Administration -- Republican or Democrat -- has taken the position in Court that wilderness designation itself creates federal reserved water rights. Rather, wilderness designation has been viewed as a land use management classification regarding lands which are already in federal ownership. Accordingly, wilderness designation of BLM or Forest Service lands ordinarily imposes severe restrictions on the means of access and the use of lands which are placed into wilderness management. But, as to possible federal reserved water rights claims, the 1974 Wilderness Act and the Acts which designate wilderness areas in Colorado have been most careful not to assert that federal reserved water rights claims are being created.

Moreover, the 1964 Wilderness Act provides that the President of the United States may grant a waiver to allow necessary access into a wilderness area and construction therein, for the purpose of building needed water projects:

> Within wilderness areas in the national forests designated by this chapter (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and

> maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial;

16 U.S.C. § 1133(4). This provision has been viewed as a safety valve which would allow a State and its water users to develop critically needed water supplies. Often the best or only sites for water storage and conservation are high up in the watershed or Government lands--areas which are often targeted for wilderness designation.

But the Sierra Club suit seeks to have the Federal Courts rule that no water can be developed in and through a wilderness area in the future because the United States has rights to the water in its "natural condition." With such a quantity of water reserved in the United States, no junior could take a drop of water, nor could a senior change the place, amount, or type of its water use, because the United States would have appropriated the stream, lake, or groundwater to its own single use. The Presidential waiver provision would be meaningless, in that event.

The Sierra Club's complaint is most cleverly written with regard to the priority date of the alleged federal reserved water rights. From a reading of the complaint, it appears that the Sierra Club may argue that (1) wilderness area designation acts as a confirmation of the wilderness characteristics of certain federal lands, (2) these wilderness characteristics existed when each federal reservation, such as a national forest, was first created, and, finally, (3) preservation of the wilderness character of the reservation requires a federal water right for instream flow, groundwater and lake levels, with a priority date of the original federal reservation.

Upon passage of the 1964 Wilderness Act "all areas within the national forests" previously classified by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness," "wild," or "canoe" were automatically designated as wilderness areas. 16 U.S.C. § 1132(a). Thus, these forest reservations, and the recognition of their wilderness characteristics, predated the National Wilderness Preservation System established by the 1964 Act. It seems logical to assume that the Sierra Club will argue that wilderness designation acts as a confirmation of the wilderness characteristics of pre-existing reservations and, therefore, that the "wilderness" federal reserved water rights should be antedated to the date the forest reservation was first established.

Representatives of the Sierra Club have been quoted as saying that the complaint in the Block case was only intended to force the United States to quantify water needed for the original purposes of each reservation, such as a national forest, as it existed prior to wilderness designation under the 1964 Act or subsequent legislation. If this were the case, however, the complaint could have been easily phrased, or amended, to allege that the United States had "failed to claim federal reserved water rights for federal reservations which have been subsequently designated as wilderness areas."

In contrast, the Sierra Club complaint pointedly reads that "preservation" of all water resources in "their natural condition" is what is being sought for all wilderness areas in Colorado. Since the United States Supreme Court has already ruled that the national forests do not carry with them a federal water right for preservation of instream flow, United States v. New Mexico, 438 U.S. 696 (1978), it is clear that the Sierra Club's real aim is to overcome the New Mexico case by seeking to establish a whole new set of federal reserved water rights through wilderness designation. This is what the United States Supreme Court said about the instream flow claims of the United States in the New Mexico case:

> The quantification of reserved water rights for the national forests is of critical importance to the West, where, as noted earlier, water is scarce and where more than 50% of the available water either originates in or flows through national forests. When, as in the case of the Rio Mimbres, a river is fully appropriated, federal reserved water rights will frequently require a gallon-for-gallon reduction in the amount of water available for water-needy state and private appropriators. This reality has not escaped the attention of Congress and must be weighed in determining what, if any, water Congress reserved for use in the national forests.

United States v. New Mexico, supra, 438 U.S. at 706.

> When it was Congress' intent to maintain minimum instream flows within the confines of a national forest, it expressly so directed, as it did in the case of the Lake Superior National Forest:
>
>> "In order to preserve the shore lines, rapids, waterfalls, beaches and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream . . . shall be authorized" 16 U.S.C. § 577b (1976 ed.).

United States v. New Mexico, supra, 438 U.S. at 711.

The Colorado Supreme Court viewed the New Mexico case as follows:

> In United States v. New Mexico, supra, the Supreme Court upheld, for the first time, a denial of reserved water rights to the federal government. In New Mexico, the United States Forest Service asserted reserved rights to waters within the Gila National Forest, including minimum instream flows, "for the requirements and purposes of the forests" as of the date that various tracts of public lands were withdrawn from the public domain for inclusion in the national forest. Id. The Forest Service's claims to reserved rights for, inter alia, maintenance of instream flows, recreation, and stock watering were initially granted by the special master appointed to consider the claims. They were ultimately denied by the New Mexico Supreme Court on appeal on the basis that such uses were not among the purposes included in the Organic Administration Act of 1897 (Organic Act of 1897), pursuant to which the National Forest was created.
>
> * * *
>
> The United States Supreme Court agreed with both the result and analysis of the

> New Mexico Supreme Court. The majority noted that the application of the reserved water rights doctrine requires a careful examination of "both the asserted water right and the specific purposes for which the land was reserved" and must rest upon a conclusion that "without the water the purposes of the reservation would be entirely defeated." United States v. New Mexico, 438 U.S. at 700, 98 S.Ct. at 3014 (footnote omitted). Such an examination and tailoring of the reserved right is necessary "because the reservation is implied, rather than explicit, and because of congressional intent in the field of federal-state jurisdiction with respect to allocation of water." Id. at 701-02, 98 S.Ct. at 3015.

United States v. City and County of Denver, 656 P.2d 1, 18-19 (1983).

The notion of antedating new federal reserved water rights claims to the date of the original forest reservation is not new. Recently, the United States has sought in Colorado to relate its water claims for "channel maintenance" back to the creation of each of the National Forests. This claim, if adopted by the courts, would require that flood flows must pass through the stream channel in order to maintain its width and depth. Such water would then be lost to storage and diversion in the watersheds of the national forest, where many projects are currently located or are planned. If this theory is recognized by the Courts, the United States will have overcome the New Mexico suit and will have knocked out or severely impaired many conditional and absolute water rights in Colorado. The problem is that many of the Colorado national forest reservations pre-date water rights for numerous water uses which are critical to Colorado's growing, balanced economy. Expanded federal claims can directly threaten conditional or absolute water rights. See Appendix A for a list of the National Forest Reservations and their dates of creation. These forests include watersheds which have vital storage and diversion locations which are either being utilized presently or will be necessary in the future to support Colorado's expanding economy. Colorado and its water users are currently spending much time and financial resources battling the Government's new antedated claims in court, so that existing and future uses will not be impaired. The Sierra Club now wishes to superimpose additional claims the Government has not made.

If the Sierra Club did not intend to assert an antedation theory for the alleged wilderness water rights, it could have clearly said so in its complaint, or by an amendment to the complaint. But the complaint studiously avoids alleging that the priority date sought is only the date on which the wilderness itself was designated and no amended complaint has been filed in this regard. Rather, the complaint uses the term "reservation" to refer to lands where wilderness characteristics are found and recognized by Congress. This leads to the conclusion that the Sierra Club may be referring to the date of creation of the original reservation, not the date on which the area was designated as a wilderness.

Even if the priority date were fixed at the date of wilderness designation, this would still prevent needed changes of existing rights or uses which may become necessary for Colorado's future. Sometimes it becomes necessary to change a dam axis or point of diversion between initial surveys, or engineering, and final construction. A federal reserved water right could prevent necessary development of a conditional right which was obtained prior to wilderness designation.

In his recent initial ruling in Sierra Club v. Block, copy attached, Judge Kane observed that the United States "has reserved water rights any time it withdraws land from the public domain" and that wilderness lands are "withdrawn from public use." It appears to be Judge Kane's initial view that federal reserved water rights are created through wilderness designation.

Nevertheless, whether wilderness designation actually creates a federal reservation, with an implied water right, is subject to dispute.

Whether any particular federal reservation creates a reserved water right, as well as the nature and degree of that right, is a question of intent which must have existed at the time of the reservation's creation:

> Thus, the existence of a federal reservation does not in and of itself denote a reservation of water. Rather, there must be a determination of the precise federal purpose to be served, a

> determination that the purpose would be frustrated without water, and a determination of the minimum quantity of water required to fulfill the purpose.

United States v. City and County of Denver, supra, 656 P.2d at 18.

Because of the severe management restrictions which are placed upon a federal land area through wilderness designation, it may be difficult, as a practical matter, to pursue water development. It is logical to conclude that Congress did not intend to reserve water rights through wilderness designation, believing that management restrictions were enough to protect wilderness area at the desired level of protection and use. This view of the Act is supported by the inclusion of the Presidential waiver provision which specifically allows water projects to proceed. 16 U.S.C. § 1133(4). Congress recognized that the land management restrictions could be removed by the President in the public interest. Obviously, such a provision is meaningless if the water project cannot be built or operated because the government has appropriated the water and, thus, has obtained a property right which the President may not be able to compromise.

In the 1964 Wilderness Act, Congress provided that:

> Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

16 U.S.C. 1133(7). This is anything but a clear expression of intent to reserve water as part of wilderness designation. To the contrary, since the Congress said it was not making an express or implied claim to exemption from State water laws, it can be presumed that the requisite Congressional intent necessary to support an implied reservation is lacking with respect to wilderness areas and, therefore, that State water law applies. The general rule is one of deference to State water law. California v. United States, 438 U.S. 645, 653 (1978).

State water law is not only procedural, it is substantive. In the absence of clear Congressional intent to create an express or implied federal water right, the United States must appropriate water like any other water user in Colorado:

> We are convinced that the "implied-reservation-of-water doctrine" must be narrowly construed. Additional federal water rights in Colorado may reduce water available to satisfy long-held adjudicated water rights, especially in streams which have been fully appropriated. When Congress passed MUSYA, it was aware of the reserved rights doctrine. See, e.g., Federal Power Commission v. Oregon, 349 U.S. 435, 75 S.Ct. 832, 99 L.Ed. 1215 (1955); Winters v. United States, 207 U.S. 564, 28 S.Ct. 207, 52 L.Ed. 340 (1908); United States v. Rio Grande Dam & Irrigation Co., 174 U.S. 690, 19 S.Ct. 770, 43 L.Ed. 1136 (1899). Congress, however, chose not to reserve additional water explicitly. In the face of its silence, we must assume that Congress intended the federal government to proceed like any other appropriator and to apply for or

> *purchase water rights when there was a need for water*. The federal government has the power to act in condemnation proceedings if its wishes to obtain water outside the state appropriation system for additional national forest purposes.

United States V. City and County of Denver, *supra*, 656 P.2d at 26 (emphasis added).

What the Court said of the Multiple Use and Sustained Yield Act is true of the Wilderness Act and subsequent wilderness designations: Congress knew of the federal reserved rights doctrine and cases, and could have clearly expressed its intent to create federal reserved water rights at the time each wilderness area was designated. It did not do so when designating wilderness areas in Colorado. Hence no such federal reserved water rights exist. Congress included the following language in the 1964 Wilderness Act:

> Nothing in this chapter shall be deemed to be in interference for which national forests are established as set forth in the Act of June 4, 1897.

16 U.S.C. § 1133(a)(1). In the *New Mexico* case, the United States emphasized that water development for beneficial use was one of the fundamental purposes of the 1897 National Forest Organic Act, 16 U.S.C. § 481:

> Not only is the Government's claim that Congress intended to reserve water for recreation and wildlife preservation inconsistent with Congress' failure to recognize these goals as purposes of the national forests, it would defeat the very purpose for which Congress did create the system.

> > "[F]orests exert a most important regulating influence upon the flow of rivers, reducing floods and increasing the water supply in the low stages. The importance of their conservation on the mountainous watersheds which collect the scanty supply for the arid regions of North America can hardly be overstated. With the natural regimen of the streams replaced by destructive floods in the spring, and by dry beds in the months when the irrigating flow is most needed, the irrigation of wide areas now proposed will be impossible, and regions now supporting prosperous communities will become depopulated." Doc No. 105, 55th Cong, 1st Sess, 10 (1897).
>
> The water that would be "insured" by preservation of the forest was to "be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder." Organic Administration Act of 1897, 30 Stat 36, 16 USC . . . As this provisi~~on and~~ its legislative history evidence, Congress authorized the national forest system principally as a means of enhancing the quantity of water that would be available to the settlers of the arid West. The Government, however, would have us now believe that Congress intended to partially defeat this goal by reserving significant amounts of water for purposes quite inconsistent with this goal.

United States v. New Mexico, supra, 438 U.S. at 711-713.

Although Judge Kane expressed an initial view that wilderness designation may include federal reserved water rights, he refused to "determine the extent or nature" of federal reserved rights in wilderness areas, since the United States has been joined in State water court adjudications under the McCarran Amendment, 43 U.S.C. § 666. But he kept the case in federal court for the purpose of determining whether the Federal Government should be ordered to make water rights claims in the ongoing water adjudications which are currently taking place in Colorado water courts. Judge Kane's final disposition of the case could affect the latitude which the State Courts may have in any subsequent water adjudication, since he may leave open the question only of quantity and priority, not whether a federal reserved water right exists as a matter of law.

Since no Federal Administration - from Johnson to Nixon to Ford to Carter to Reagan--has claimed in Court that water rights have been created for the purpose of furthering the purposes of the Wilderness Act, it is clear that the Sierra Club suit seriously disrupts the status quo. It is obvious that the Sierra Club no longer believes in neutrality on the water issue and, instead, is seeking a significant and disturbing change in the State-Federal water relationship, through judicial pronouncement.

Senator Armstrong's bill, S. 2916, would make it clear that the Federal Government is not compelled to make water claims as a necessary prerequisite to managing wilderness areas, as the Sierra Club claims. Furthermore, S. 2916 would put an end to the threat that large amounts of Colorado water will vest in the United States with priority dates which could knock out existing water rights and/or preclude needed water uses in the future.

The Sierra Club appears to have but one aim, to prevent the development or use of Colorado water resources in or through wilderness areas, thereby rendering meaningless the Presidential waiver provisions of the Wilderness Act and the neutral language of the 1964 Wilderness Act and the 1980 Colorado Wilderness Act, which so studiously avoided the creation of federal reserved water rights. At a time when the state and its water users are heavily involved in battling federal reserved water rights claims which have already been made, and their antedation, the Colorado Congressional delegation and State officials should work for legislation which will stop the looming new round of expensive and potentially destructive federal reserved water rights claims.

For this reason, we recommend that no Colorado wilderness areas be designated henceforth without language similar to that contained in Senator Armstrong's bill, in order to make explicit the assumption that has always been implicit in Colorado Wilderness designations - that such designations were never intended, expressly or impliedly, to create a whole new class of federal reserved water rights. Without such language, it appears that Colorado may not be able to utilize present and prospective water rights upon which its future may depend.

cc: Board of Directors, Colorado Water Congress

APPENDIX A

THE CREATION OF THE COLORADO NATIONAL FORESTS

National Forest	Creation Date
Arapaho	7/1/1908
Grand Mesa	3/11/1924
Gunnison	5/12/1905
Pike	2/11/1892
Rio Grande	7/1/1908
Roosevelt	3/28/1932
Routt	7/1/1908
San Isabel	4/11/1902
San Juan	6/3/1905
Uncompahgre	6/14/1905
White River	8/16/1891

Most of the national forests in Colorado began as forest reserves of public land created by presidential proclamation. Then the forest reserves were renamed national forests in 1907 legislation. The dates above give the date of creation of the reserve/forest in essentially the same form as it is now.

Some of the national forests have a more extensive history. For instance, the Medicine Bow Forest Reserve became the Colorado National Forest in 1910 and then was renamed the Roosevelt National Forest in 1932. Also, some of the National Forests were composed of parts of several forest reserves, such as the Rio Grande National Forest, which was created by putting together parts of the San Juan and Cochetopa Forest Reserves. Therefore, the creation dates of various portions of forest may predate the present form of the forest. The above information was obtained from historical research personnel in the Public Information Office of the U.S. Forest Service, Washington, D.C.

S. 2916

cal error in such maps or legal descriptions may be corrected. The Secretaries shall place such maps and legal descriptions on file, and make them available for public inspection, in the offices of the Chief of the United States Forest Service, Department of Agriculture, the Director of the Bureau of Land Management, United States Department of the Interior, and the Director of the National Park Service, United States Department of the Interior.

(b) Subject to valid existing rights, the wilderness areas designated by this Act shall be administered by the Secretaries of Agriculture and Interior in accordance with the provisions of the Wilderness Act which designated them as wilderness areas, except that with respect to the areas designated by this Act, any reference to other wilderness acts shall be deemed to be a reference to the effective date of this Act.

SEC. 7. No provisions of this Act nor any other Act of Congress designating areas in Colorado as part of the National Wilderness Preservation System, nor any guidelines, rules, or regulations issued thereunder, shall constitute the establishment of a right to the use or flow of water in the Federal Government because of the designation: *Provided, however,* That this provision does not constitute an express or implied claim or denial on the part of the Federal Government to the use or flow of water in any other congressionally designated wilderness area in the United States.

○

An Act

SENATE BILL NO. 97. BY SENATORS Anderson, Kinnie, McCormick, H. Brown, DeBerard, Schieffelin, Noble, Kogovsek, Bermingham, Cisneros, H. Fowler, Garnsey, Kinnie, MacManus, and Plock; also REPRESENTATIVES Strang, Edmonds, Arnold, Baer, Benavidez, Bendelow, Cooper, Gunn, Hayes, Howe, Hybl, Lamm, Ross, Smith, Taylor, Valdez, and Webb.

CONCERNING THE APPROPRIATION OF WATER, AND PROVIDING FOR THE APPROPRIATION OF WATER BY THE STATE OF COLORADO TO PROTECT THE NATURAL ENVIRONMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 148-21-3 (6), (7), and (10), Colorado Revised Statutes 1963 (1969 Supp.), are amended to read:

148-21-3. Definitions. (6) "Appropriation" means the ~~diversion-of-a-certain-portion-of-the-waters-of-the-state-and~~ the application of ~~the--same~~ A CERTAIN PORTION OF THE WATERS OF THE STATE to a beneficial use.

(7) "Beneficial use" is the use of that amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the ~~diversion~~ APPROPRIATION is lawfully made and, without limiting the generality of the foregoing, shall include the impoundment of water for recreational purposes, including fishery or wildlife. FOR THE BENEFIT AND ENJOYMENT OF PRESENT AND FUTURE GENERATIONS, "BENEFICIAL USE" SHALL ALSO INCLUDE THE APPROPRIATION BY THE STATE OF COLORADO IN THE MANNER PRESCRIBED BY LAW OF SUCH MINIMUM FLOWS BETWEEN SPECIFIC POINTS OR LEVELS FOR AND ON NATURAL STREAMS AND LAKES AS ARE REQUIRED TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(10) "Priority" means the seniority by date as of which a water right is entitled to ~~divert~~ USE or conditional water right will be entitled to ~~divert~~ USE and the relative seniority of a water right or a conditional water right in relation to other water rights and conditional water rights deriving their supply from a common source.

SECTION 2. 148-21-2, Colorado Revised Statutes 1963 (1969 Supp.), is amended BY THE ADDITION OF A NEW SUBSECTION to read:

148-21-2. Declaration of policy. (3) Further recognizing the need to correlate the activities of mankind with some reasonable preservation of the natural environment, the Colorado water conservation board is hereby vested with the authority, on behalf of the people of the state of Colorado, to appropriate in a manner consistent with sections 5 and 6 of article XVI of the state constitution, or acquire, such waters of natural streams and lakes as may be required to preserve the natural environment to a reasonable degree. Prior to the initiation of any such appropriation, the board shall request recommendations from the division of wildlife and the division of parks and outdoor recreation. Nothing in this article shall be construed as authorizing any state agency to acquire water by eminent domain, or to deprive the people of the state of Colorado of the beneficial use of those waters available by law and interstate compact.

SECTION 3. 148-21-18 (1) (d), Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

148-21-18. Applications for water rights or changes of such rights - plans for augmentation. (1) (d) The fee for filing an application shall be twenty-five dollars; and for filing a statement of opposition, the fee shall be fifteen dollars. If more than one water right is requested in any application, a fee of five dollars for each additional right shall be assessed. NO FEE SHALL BE ASSESSED TO THE STATE OF COLORADO OR ANY AGENCY OF ITS EXECUTIVE DEPARTMENT UNDER THIS SUBSECTION (1).

SECTION 4. Effective date. This act shall take effect July 1, 1973.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Ted L. Strickland
John D. Vanderhoof
PRESIDENT OF THE
SENATE

John D. Fuhr
John D. Fuhr
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
Comfort W. Shaw
SECRETARY OF
THE SENATE

Lorraine F. Lombardi
Lorraine F. Lombardi
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED 9:00 AM April 25, 1973

John A Love
John A. Love
GOVERNOR OF THE STATE OF COLORADO

SENATE BILL 97

Senate Bill 97 was enacted by the Forth-ninth Colorado General Assembly and became law during April 1973. It was supported by state legislators who recognized the serious need for the preservation of minimum natural stream flows and lake levels; its passage was recognized as a milestone by Colorado water administrators, environmentalist and professional wildlife managers. It provides means to achieve objectives that have been sought for years by individuals who were concerned over the degradation of Colorado's water environment, including in some cases the complete drying up of streams.

Provisions in SB 97 give the state authority to appropriate waters (and thus obtain water rights and establish a legal water use) to preserve minimum stream flows and lake levels through a joint effort of the Colorado Division of Wildlife, the Colorado Division of Parks and Outdoor Recreation and the Colorado Water Conservation Board.

Key to developing actual flow recommendations is the collection of data using a method which requires profiling the stream channel at selected sites. The method was developed by the U.S. Forest Service and is being used extensively by the Division of Wildlife. Once the field data is collected the material is prepared for input into a computer modeling program. The data provided by the computer allows the biologist to visualize the stream channel at selected flows. Such data, when properly evaluated, is an asset in developing a flow recommendation. It is also anticipated that the data will be of importance in court litigation.

Future plans of the state call for preparing recommendations and water right applications for virtually every stream, river and natural lake in Colorado, as well as for marshlands and river bottoms. At the present time, the Division of Wildlife has made flow recommendations on approximately 153 streams and filed for stroage rights in 310 natural lakes.

Senator WALLOP. Thank you, Bill, and by all means you are welcome to stay with us and listen and participate in the questioning of any of the witnesses.

Senator ARMSTRONG. Many thanks.

Senator WALLOP. Next is then Mr. Bachman, avalanche expert.

STATEMENT OF DON D. BACHMAN, PRESIDENT, HIGH COUNTRY CITIZENS' ALLIANCE, CRESTED BUTTE, CO

Mr. BACHMAN. Thank you, Mr. Chairman. I have an expansion of my oral testimony here with attachments. I would like to submit it.

My name is Don Bachman. This testimony is in support of the Colorado Conservationists' recommendations for the 1984 wilderness bill and is being presented on behalf of the High Country Citizens' Alliance of Crested Butte.

I have been a resident of Colorado for 24 years, most of which time has been spent in the Crested Butte area in close proximity to the Oh-Be-Joyful Wilderness study area included in S. 2032 and H.R. 5426, but not in S. 2916.

Oh-Be-Joyful is a spectacular wilderness corridor in a wilderness area which will become a part of that unit upon designation. During the past decade that Oh-Be-Joyful has been under consideration, several areas of conflict have been resolved through study and understanding.

The contention of a heavily traveled four-wheel drive road into the area has been dismissed. This road is in terrible shape for a road and is returning to its natural state in most places. I estimate that no more than a dozen trips remain in the valley for this year by jeeps. It is, however, becoming a trail bike route which is resulting in some damage.

Prior claims to this area amount to less than 1 percent of the WSA under patents that were granted prior to the 20th century. Approximately 200 overlapping unpatented claims covered about one-third of the area in 1980. There is no evidence of subsequent assessment work, and it may well be that these claims are now invalid.

Oil and gas leases covering 80 percent of the area in 1980 have been invalidated for lack of payment and potential molybdenum resource is inferred from the activity 2 miles to the southeast, and one drilling effort was mounted near the WSA boundary. There was a pending sale project for pennies on the dollar. After taking a $153 million writeoff, there was no further economic interest in the virtually unexplored area next to the Oh-Be-Joyful Area. The mineral conflicts have evaporated, but this area is currently under management allowing motorized vehicles and must receive protection if further damage is to be avoided.

Incidentally, the main Democrat Basin, an historically assigned feature in Oh-Be-Joyful, should not be considered a factor. We could petition for a geographic name change to Republican Basin if that would help.

The Fossil Ridge Area retains exceptional wilderness despite its closeness to several areas and communities and the city of Gunnison. It is an area of geologic and botanical uniqueness. An acid precipitation study in Fossil Ridge focused on the unusual situation of the buffering limestone and the acid effects on rock and the adjacent watershed. Limestone strip mining poses a threat that would be devastating to the integrity of the area.

Uranium exploration has ceased due to lack of a sufficient find. The major threat is the use of trail bikes. Considerable damage has been reported this summer especially to tundra areas. This use affects elk calving and migrating patterns and is disruptive to long-term guiding and outfitting service. There are ample opportunities for trail bike use in nonwilderness areas.

In conclusion, I would like to urge that both Oh-Be-Joyful and Fossil Ridge be considered for inclusion in the National Wilderness System and that opposition to these areas seems to have pretty much faded and conflicts seem to have been resolved over this period of time.

Thank you.

[The prepared statement of Mr. Bachman follows:]

STATEMENT OF DON D. BACHMAN, PRESIDENT, HIGH COUNTRY CITIZENS' ALLIANCE, CRESTED BUTTE, COLORADO, BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, S. 2032, S. 2916 and H.R. 5426, BILLS TO DESIGNATE WILDERNESS IN COLORADO, SEPTEMBER 18, 1984.

My testimony is being presented as President, and on behalf of the High Country Citizens' Alliance of Crested Butte, Colorado. This public interest organization of 7 years standing, encourages preservation and protection of environmental, economic and social values in the mountain west, while promoting patterns of multiple use of public lands which maximize future options. I have been a resident of Colorado for 24 years and have lived in Crested Butte since 1965. I am self-employed as a Snow Safety Specialist.

This testimony is in support of the Colorado Conservationists' recommendations for the 1984 Colorado Wilderness Bill and shall be directed mostly toward designation of the Oh-Be-Joyful Wilderness Study Area in addition to Fossil Ridge and the Cannibal Plateau/Powderhorn Areas.

"The Oh-Be-Joyful Wilderness Study Area is an isolated pocket of alpine country, enclosed on three sides by precipitous ridges and rugged mountain peaks . . . The lower valley is characterized by timbered steep valley walls and stream-side meadows where cattle graze. Beaver ponds are a common feature of this part of the valley. As hikers progress into the upper valley, they cross the transition zone into alpine tundra where short grass and wildflowers replace timber and meadowlands. Democrat and Blue Lake Basins are true alpine basins, sculptured and scoured by glaciers, exposing the light grey and maroon rocks of the area. Numerous small melt-water lakes fill shallow depressions in the upper basins. Swiftly flowing streams cascade from the cliffs. From the head of the Oh-Be-Joyful WSA, the visitor can see a panorama of mountain secnery either back down the valley or in the basins to the north or south."

This description of the area comes from the Forest Service Draft Environmental Statement and expresses as well as any Sierra Club author, the true nature of this remarkable area.

It comes to mind in reading this description that there has perhaps been an unrecognized impediment to designation that could be addressed now. I refer to the name "Democrat Basin." Should the majority party desire recognition for their role in seeking wilderness status for this area the High Country Citizens' Alliance would be pleased to petition the Board on Geographic Names to have this feature called "Republican Basin."

This area was cited by the Forest Service during the RARE II process as being in the top 8% of Colorado Roadless Areas in the Wilderness Attribute Ratings. Though Oh-Be-Joyful can stand on its own merits, upon designation it will become a part of the Raggeds Wilderness Area which is contiguous to the west, and will serve as a wilderness corridor from Crested Butte into this area which has enjoyed protection since 1980.

During the past decade that OBJ has been under consideration for wilderness designation, several areas of conflict have been resolved through study and understanding. The contention of the heavily traveled four-wheel drive road into the area has been dismissed. The road in question was constructed in the late 40's and proceeds about three miles into the area. It is in terrible shape (for a road) and is returning to its natural state in most places. It is now most commonly used as a hiking trail, and I would estimate that no more than a dozen four-wheel drive vehicles drove to its end this year. However, it is becoming a major trail bike route, which will soon result in great damage to the trail and surrounding terrain. The Forest Service is under no mandate to restrict this use under the 1980 Colorado Wilderness Bill.

A grazing allotment of approximately 200 AUMs presents no conflict. I recently talked to the permittee who stated that he has no problems with wilderness designation as he does not use motor vehicles in his operation. He does see conflict, however, should large-scale mining occur in the area.

Prior claim to this area amounts to .09% of the WSA under patent with two parcels within the area and four on the boundaries. All claims were granted before the turn of the century. None of these claims show any above-ground improvements such as head-frames or cabins. The DEIS prepared by the Forest Service in 1981 indicates that 56% (3105 acres) of the area is covered by "approximately 200 unpatented claims . . . that overlap over an extensive area." The vast majority of these were filed in 1979-80 by U. S. Energy Corporation and AMAX. andard claim size is 10.33 acres and even without the overlap, 200 claims would cover one-third less than the stated acreage. The DEIS is in error on this point. As of last week there was no evidence of assessment work on these claims and it may well be that most or all are invalid. Oil and Gass Leases held by Brooks Exploration that covered 80% of the study area at the time of the DEIS have been invalidated for lack of lease payment. (See attached correspondence with the Bureau of Land Management.)

The knowledge of minerals in the Oh-Be-Joyful WSA is well stated and documented in Mineral Values of the Oh-Be-Joyful Wilderness Study Area by Gary Sprung that was completed in 1983 and is attached.

The conclusions indicate very low production of precious metals from the WSA despite rather extensive attempts during the turn of the century period. These efforts were probably based on the fact that the adjacent Ruby-Irwin District was a rich producer at the time.

The presence of a molybdenum resource is largely inferred from the adjacent Mt. Emmons and Redwell Ore Bodies. Only one drilling effort was mounted near the WSA (outside the boundary) even though opportunity was legally available for mechanized drilling operations. Data from this program is unavailable, but the fact that no further drilling was done, and no assessment work has been accomplished on claims within the study area indicates a lack of interest in persuing further exploration. AMAX's pending sale of the Mt. Emmons' Project of pessies on the dollar, after taking a $135 million write-off indicates a lack of economic viability of that project and similar conclusions about any inferred potential within the WSA.

At no time during the period of consideration of OBJ for wilderness designation was such designation considered detrimental to the on-going (at that time) Mt. Emmons Project which was physically separate from the area. The conflicts relating to mineral potential within the OBJ Wilderness Study Area boundary have evaporated. Opposition to wilderness designation now seems to come from a very few who reject the principle of designation of any wilderness, and to whom such contentions are not due to unique and specific conflicts.

Proponents for designation feel that this area is absolutely qualified and hundreds of persons have drafted written comments during the NEPA process supporting Oh-Be-Joyful as a fitting and necessary addition to the Raggeds Wilddrness Area. Additional support has come from the Town of Crested Butte (Resolution attached) the State of Colorado, Senator Hart and Congressmen Kogovsek and Wirth. Now is the time to include this area in legislation coming out of the Senate.

The Fossil Ridge Wilddrness Study area is a mountainous region with a wide variety of stream drainages, lakes, lush forest and extensive tundra that retains exceptional wilderness even though it is in close proximity to several communities and the City of Gunnison. It is an area of geologic and botanical uniqueness. Fossil-bearing limestone above timberline results in rare plant community associations whose significance is only now beginning to be realized. (See attached comments by P. Lehr.) Acid precipitation concerns in the Rocky Mountain west will be better understood from studies contemplated in this area. The buffering capacity of limestone is documented and the Fossil Ridge Area offers baseline study opportunities in immediately adjacent granite and limestone base rock watersheds. Undisturbed plant communities and watersheds in this area require wilderness protection to make these studies meaningful.

Wildlife is abundant and elk management efforts in the upper Gunnison Basin are based upon undisturbed migration and calving patterns in the Fossil Ridge area. The Colorado Division of Wildlife recognizes that wilderness designation is the best management direction for wildlife management goals.

Conflicts seem to be centered on a vague scheme to mine limestone out of portions of the above-timberline areas within the WSA. In addition to scarring of the landscape from this strip mine, irreversible damage would occur to the wildlife resource, water quality and the wilderness character of the area. The construction of roads and high-tonnage jaul traffic would complete this degredation. The removal of suspected high-quality limestone used in toothpaste, white-wall tires and paint is concentrated in the eastern United States, and the necessity to develop new marketing strategies in the west in direct competition, and the expense of long-distance hauling to metropolitan areas make this venture highly speculative in nature. The lack of an aggressive drilling program by the proponents leads one to question the seriousness of the proposal. Uranium Exploration in the area occurred in a brief flurry of helicopter-supported drilling in 1979-80. Low-grade and abundant availability in other mining districts were greater factors than the depressed market in abandoning this project, and no one expects this area ever to be a source for uranium.

What few trails that exist in the area are utilized by a growing number of off-road vehicles. This management direction is encouraged by the Forest Service despite the mandate to manage for wilderness retention until the debate is over. At the present time this use is less than hiking and horse use but the damage caused is reported to be extensive especially in the tundra area. The trails are difficult for all but the aggressive biker on powerful machines adding to the destructiveness of this activity. In place wildlife disturbance and environmental damage has occured this summer and will soon become even more serious and irreversible. The Colorado Division of Wildlife personnel on the local level are alarmed at this turn of events. Improved access from the more populated eastern slope of Colorado in the form of a newly paved road close to the boundary and passing several trail heads will undoubtedly lead to increased trail-bike use in the area. There are ample opportunities for this type of use on the public lands in Colorado. More than any mountain state, Colorado is webbed with networks of old mining roads and trails in areas that will never be of wilderness nature that can and are being used by trail bikes and other off-road type vehicles.

Economically, this area absorbs a great deal of hunting and fishing use and thus adds to the tourist economy in the Gunnison ar ea. Both forms of recreation are of high quality. Several outfitters conduct business under Forest Service permit in the area during the summer and fall months. They would be driven out of business by either the mining proposal or the increase of trail-bike use and hunting and fishing pressure would increase from the motor-driven segment of the population.

Hearings conducted during the NEPA process indicated wide-spread support for wilderness designation. There is little outright opposition for cause. Attached is a resolution from the Twon of Crested Butte in support of Fossil Ridge. The Town of Pitkin, on the wilderness boundary has also endorsed wilderness designation, as has Senator Hart.

The Cannibal Plateau/Powderhorn area likewise deserves wilderness protection. This area includes one of the most extensive areas of Alpine Tundra south of the Arctic regions. Of particular significance is the Mesa Seco area where on-going study by the academic community at the Rocky Mount ain Biological Laboratory is revealing unique plant and insect relationships. It is anticipated that a detailed discussion of this research and the scientific value of the Mesa Seco area will be submitted to the Subcommittee by the researcher working in this area. The main threat to this area and the entire WSA again comes from the use of motorized vehicles, especially trail bikes. Ample opportunity exists in the Lake City area and the region surroungind Cannibal Plateau for the use of this equipment.

In conclusion, the three areas discussed present an opportunity for wilderness recreation, scientific study, habitat preservation and continued quality water production. Threats to their integrity is immediate and prompt wilderness designation is necessary.

# # # #

HIGH
COUNTRY
CITIZENS'
ALLIANCE

Bureau of Land Management
Colorado State Office
1037 20th Street
Denver, CO. 80202

August 30, 1984

ATTN: Public Affairs Office

Dear Sir/Madam:

I am seeking information on the current status of the following Oil and Gas Leases: C-18197, C-18199, C-18201, C18198. These leases were issued to Brooks Exploration Co. of Denver. I have been advised by the Montrose District office that they have expired. Would you please confirm their status by correspondance.

Sincerely,

Don Bachman
President
HCCA

cc: Senator Armstrong
Senator Hart

9-5-84

All leases terminated for nonpayment of rental. C-18197 terminated 10-1-83
C-18198 " 12-1-82
C-18201 " 10-1-83
C-18199 " 12-1-82

Barbara J. Benz
LLE,

'84 SEP -4 A10 :00
DEPT OF INTERIOR
BUR. LAND MANAGEMENT
COLO STATE OFFICE DENVER

PO BOX 1066, CRESTED BUTTE, COLORADO 81224, 303/349-5640

RESOLUTION NO. 23
SERIES 1983

A RESOLUTION REAFFIRMING THE TOWN COUNCIL'S POSITION ON THE DESIGNATION OF WILDERNESS AREAS IN GUNNISON COUNTY, COLORADO.

WHEREAS, the Town Council has previously endorsed the proposals to designate Oh-Be-Joyful and Fossil Ridge areas as Wilderness; and

WHEREAS, the Town Council recognizes the key part that pristine mountain scenery plays in developing our tourist oriented economy; and

WHEREAS, the Town Council believes that the benefits to future generations in preserving these proposed wilderness areas far outweighs any other benefit that may be derived from a multiple use designation of these areas; and

WHEREAS, the Town Council has previously and consistently supported the designation of wilderness for Fossil Ridge and Oh-Be-Joyful areas, but has determined that this position must necessarily be memorized in the form of a Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO:

Section 1. The Town Council hereby calls on those public officials having authority to/or over Oh-Be-Joyful and Fossil Ridge as proposed wilderness areas to finalize that designation and prevent attempts to redesignate said areas for multiple uses.

Section 2. The Town Council directs the Town staff personnel to actively inform and educate various public officials at all levels of government as to the Town's position in this matter.

ADOPTED by the Town Council for the Town of Crested Butte, Colorado this 5 day of December, 1983.

TOWN OF CRESTED BUTTE, COLORADO

(SEAL)

ATTEST:

By Thomas S. Cox
Thomas S. Cox, Mayor

H. Adele Bachman
H. Adele Bachman, Town Clerk

STATEMENT ON BOTANICAL UNIQUENESS OF FOSSIL RIDGE IN SUPPORT OF TESTIMONY FOR 1984 COLORADO WILDERNESS BILL

Fossil Ridge is unique botanically because tundra areas with limestone bedrock are very limited in Colorado, and limestone tundra is known to support unique plant communities. Of the rock outcrops above timberline on Fossil Ridge approximately 90% are limestone, whereas of all tundra found in Colorado only approximately 10% has a limestone substrate.

Limestone tundra is found only in scattered areas in central Colorado including the Elk Mountains, the Mosquito Range, the Cumberland Pass area, and Fossil Ridge. There is no limestone tundra in the Front Range, the San Juans, the Sawatch, the Never Summers, or the Park Range. Limestone tundra areas are also limited in the whole Southern Rocky Mountain area as, except for the outcrops in central Colorado, they are not found again to the north until northwestern Wyoming.

The limestone tundra areas of central Colorado, particularly in the Hoosier Pass area, have been documented and proven to be very significant botanically. There are numerous Arctic and boreal disjuncts, Asian disjuncts, Colorado endemics and other rare species which have been found. There is every reason to expect to find some of the same disjuncts, endemics and rare species on Fossil Ridge. For example, the extremely rare Braya humilis ssp. ventosa, which is associated with the Leadville Limestone formation and which was first found near Hoosier Pass and later on Cumberland Pass, could well be expected on Fossil Ridge because the Leadville Limestone also crops out on Fossil Ridge.

To date it has been possible to make only a very brief botanical inventory. Nevertheless, some of the same species found in the limestone areas of Hoosier Pass, such as Physaria alpina and Oxytropis podocarpa, have already been found on Fossil Ridge. The rare (in the sense of having very limited distribution) Senecio porteri is also there. Little in known thus far of the plant communities below timberline but just last week *Cystopteris montana* was found. This fern, found growing near a spring, is rarely found and is an indicator of a "choice" or "pristine" subalpine spruce/fir forest.

In addition to the possibility of rare disjuncts and endemics, Fossil Ridge is important botanically because it contains unusually well-developed expanses of *Dryas octopetala*-dominated communities. Although occuring in specialized tundra habitats, *Dryas octopetala* is not an uncommon or unusual species in itself; it is widely scattered in many of Colorado's tundra areas, but it usually forms only very small, localized communities. The *Dryas*-dominated communities of Fossil Ridge, however, are unusually well-developed and cover rather extensive areas. The floristics and ecological relationships to similar *Dryas*-dominateddecosystems farther north and in the Arctic are very poorly known, and preservation of such an excellent *Dryas* stand would be extremely helpful for future documentation.

In sum, protection for the Fossil Ridge area is important because it would preserve one of the few tundra areas in Colorado with a limestone substrate and make possible future study and documentation of the ecological relationships of limestone tundra with other such areas, both within and outside of Colorado.

Statement prepared by: Paula J. Lehr
222 E. Gothic Ave.
Gunnison, CO 81230

(303) 641-3236

In addition to being a resident of Gunnison (which is very close to Fossil Ridge), I am currently a graduate student at the University of Colorado and am working in alpine plant ecology.

15 September 1984

Paula J. Lehr
Paula J. Lehr

RESOLUTION NO. 4
SERIES 1983

A RESOLUTION SUPPORTING DESIGNATION OF THE FOSSIL RIDGE WILDERNESS STUDY AREA AS AN OFFICIAL WILDERNESS AREA.

WHEREAS, the Town Council of the Town of Crested Butte, Colorado is concerned for the pristine forest areas in the vicinity of the Town which account for the high quality water, scenic beauty and tourism opportunities available to its residents; and

WHEREAS, the Town Council is informed and believes that Fossil Ridge meets all defined prerequisites for designation as a Wilderness Area; and

WHEREAS, Fossil Ridge contains unique wildlife habitats and geologic formations that are in need of the preservation and protection grovided under the Wilderness Act; and

WHEREAS, the benefits which derive from designating Fossil Ridge as a wilderness area far outweight all other potential uses which might result from removing this area from consideration as a wilderness area.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO:

Section 1. The Town Council recommends that the Fossil Ridge Wilderness Study Area now under review be designated as a Wilderness Area with all the rights and protections accorded such areas at law.

Section 2. Councilmember Linda Powers is designated to represent the Town, present this Resolution and make such appearance before the review committee as she deems appropriate to convey the concerns of the Town Council on this issue.

ADOPTED by the Town Council for the Town of Crested Butte, Colorado this 3rd day of January, 1983

TOWN OF CRESTED BUTTE, COLORADO

By__________________________
Mayor, Thomas S. Cox

ATTEST:

(SEAL)

____
Lynn Lane, Deputy Town Clerk

May 4, 1984.
To: House Subcommittee on Public Lands and National Parks
Room 812, House Annex #1
Washington, D.C. 20515
From: Mayor Ramon Reed
Town of Pitkin
Pitkin, Colorado 81241

Honorable Representatives,

The Town of Pitkin, Colorado is a small mountain community situated at 9200 feet elevation at the base of the proposed Fossil Ridge Wilderness Area. We have the distinction of being the oldest incorporated town on the western slope of Colorado, an indication of the tenacity and loyalty of the people who live here.

The original settlers of Pitkin and the surrounding area were the miners of the 1800's who came seeking their fortunes in gold and silver. While the mines flourished, the local economy flourished; when the ore and its markets played out, the miners, the investors and the entrepreneurs left. All they left behind them were the scars on the land that still exist and an economy that floundered with the few people who stayed behind.

In recent years a new type of prospector has come to Pitkin and these mountains. We are prospectors of the beauty and freshness that life in the Rockies has to offer. We have developed a new economy: one that is based on outdoor recreation, tourism and light industry compatible with the environment. Our economy is relatively stable and long-term, not the boom-bust cycle that is typical of the mining industry. But our economy is totally dependant on the natural beauty of the mountains around us which includes the entirety of Fossil Ridge; dependant on the pure water which comes down the slopes of Fossil Ridge; dependant on the clean breeze which blows over Fossil Ridge; dependant on the virgin forests and undeveloped meadows which provide an irreplaceable habitat for hundreds of elk and deer, as well as thousands of small game, fowl and native trout.

The U.S. Forrest Service, in its own environmental impact statement, has determined that Fossil Ridge is suitable for wilderness designation in every aspect, with the single exception that it would be unavailable for mining. This one aspect - the future "availability" of the land for mining exploitation - has somehow out-weighed every other consideration in the eyes of the Forrest Service.

The Board of Trustees of the Town of Pitkin, Colorado, in consideration of the best interests of the people that we represent, has unanimously passed a resolution in support of the Fossil Ridge Wilderness designation. We therefore urge our representatives in congress to overrule the singular biased opinion which ignores the needs of the people who live here in favor of a single outside interest. The minerals which may exist on Fossil Ridge are certainly not vital to the national economy, yet the extraction of those minerals would likely destroy the local economy and way of life that the residents and visitors of Pitkin depend on.

Respectfully submitted,

Mayor Ramon Reed
PO Box C
Pitkin, Co. 81241

Copy

MINERAL VALUES OF THE OH-BE-JOYFUL WILDERNESS STUDY AREA

a research report

by

Gary Sprung

for

The High Country Citizens' Alliance

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information submitted by mining companies, is that they were based largely on older investigations and theories, and represented very little new evidence.

Professor Donald R. Baker of Rice University who has conducted geological research in the Crested Butte region since 1968 testified about the Oh-Be-Joyful Draft Environmental Impact Statement that the Forest Service had failed to meet its mandate from Congress: "Very little 'additional information' distinct from that in the older reports is provided...As a consequence, the level of documentation provided in your statement [the DEIS] is inadequate to support other than speculative conclusions."[6] Baker blamed private mineral companies, rather than the Forest Service, for the deficiency and suggested, "Perhaps the private mineral interests do not really consider the Study Area worth significant exploration investment because they do not regard the mineral potential as high as your DEIS suggests."[7]

The new Bureau of Mines report

The recent Bureau of Mines report provides much more substantial information. The survey is based on extensive fieldwork, as well as thorough review of the available literature and communications with mineral property owners. It establishes more definite evidence of some mineralization, but it shows that it is more restricted than once thought.

The open-file report by Clarence Ellis analyzes the entire Ruby mining district, which includes Oh-Be-Joyful Valley and the Irwin silver subdistrict. The Irwin subdistrict supported four principal mines, beginning in 1874 and ending in 1890 (although one mine continues to operate sporadically to this day). Another group of mines operated to the north of the WSA in Baxter Basin and on Augusta Mountain from 1883 to 1910. The last flurry of mining activity centered around Mt. Emmons, primarily from 1950 to 1969, producing silver-rich base-metal ores. Then molybdenum became the primary focus of exploration in the area, but very little moly has been produced.

Ellis notes, "Within the Oh-Be-Joyful study area, silver production was small from Democrat Basin in the 1930's;

silver production also was small from Peeler Basin during an unknown period."[8]

The silver-lead-zinc resource

Ellis' assays include samples from many of these mines and prospects outside and surrounding the WSA. Some of these show rather high values. Within the WSA itself, only two veins show any significant quantities of silver-lead-zinc, and their values are lower than the assays outside the WSA. The Independence vein extending from the Irwin subdistrict into the Study Area is known to have produced small quantities of silver, lead and zinc, and has a small resource of these still available. A moderate size resource there has been inferred by the Bureau of Mines. The Ruby No. 1 claim in Democrat Basin yeilded a small silver-gold-lead-zinc production from 1930 to 1966, and has a small resource indicated and inferred.[9] The assays taken from the Ruby adit are considerably lower than those described by Asbaugh and quoted by the Colorado Geological Survey.[10] It appears the vein has been mined out considerably since Asbaugh's survey of 1931.

The words "small" and "moderate" above have definite meanings. For silver, "small" means a resource of less than 1000 ounces, and "moderate" means from 1,000 to 10,000 oz. For the base-metals "small" indicates less than 100,000 lbs., and "moderate" indicates up to 1 million lbs.[11]

The Bureau *infers* that a silver-lead-zinc resource also exists under Richmond Mountain (partly within the WSA), and "may exist elsewhere along the Ruby Range and related to the Scarp vein in Peeler Basin."[12] But in general, Ellis considers the mineralization of the Ruby Range to be "pervasive" but "weak, and not cause for extensive exploration."[13]

The molybdenum resource

Molybdenum "probably" exists in two places on the edge of the WSA: Under Oh-Be-Joyful Creek on the eastern boundary and under Richmond Mountain on the northwest corner boundary.[14] This theory is taken from a model of mineralization based on the characteristics of the Mt. Emmons and Redwell Basin moly deposits, and is partially supported by Amax drill holes near Oh-Be-Joyful Creek outside the WSA and by the nature of silver and base-metal veins which seem to radiate from these inferred molybdenum deposits. Accepting the model at face value, it is also logical to assume that such molybdenum deposits would be highly brecciated, causing development difficulties and high production costs similar to the proposed Mt. Emmons Project (see section 2, infra)

Other mineral resources

All authors agree that coal is present in the WSA. The Bureau of Mines report calls these "inferred" resources of 12 million tons but, "Less than half of this coal resource is recoverable by current technology."[15]

While other reports have deduced, from the overall geology of the area, that the oil and gas potential is low, the Bureau or Mines merely notes that, "No drilling for oil and gas had been conducted as of September 1981."[16] This is still true today.

Beside the minerals already mentioned in this report, the U.S. Forest Service DEIS for the Oh-Be-Joyful WSA also mentions antimony, cadmium, copper, tin, and tungsten.[17] While the Bureau of Mines report indicates some minute quantities of copper, that report does not even mention the others, implying that they exist only in minute quantities, if at all.

Conclusions for Section I

The Oh-Be-Joyful Wilderness Study Area lies within the Colorado Mineral Belt and, like most other areas in that belt, shows definite signs of mineralization. Several mines nearby but outside the WSA have yielded significant production of precious and base metals. Within the WSA itself are 97 pits, shafts, and adits and only two of these ever produced anything of significance. These, now almost completely invisible, were "high-graded" and have had the best ore removed already. Oh-Be-Joyful was not neglected by mineral explorers, it simply did not provide much minerals that were valued by earlier miners. The small production obtained from 97 attempts speaks to this low value. The presence of at least some high-grade ore is usually necessary to economically justify the extraction of lower grades; and the earlier "high-grading" has severely reduced the value of the Oh-Be-Joyful deposits.

The Bureau of Mines study offers a summary of this resource witin the WSA:

> The indicated silver-lead-zinc resource [from two separate deposits] is about 10,000 tons, averaging 0.6 oz. silver per ton, 1.0 percent lead, and 1.4 percent zinc. The inferred silver-zinc-lead resource is about 400,000 tons of a similar grade. 18

This information should be compared with that presented in the next section of this report on existing and planned silver-lead-zinc mines.

Likewise, the small coal resource within the WSA must be compared to the huge amount of coal generally existing throughout the West Elk/Ruby Range vicinity. It has been said that a continuous, giant coal seam lies between Crested Butte and Paonia. Yet none of this is being mined on the Crested Butte side, and there are no plans or speculation for such mining.

Molybdenum, if it exists within the study area, would likely be expensive to extract. This development is unlikely, as the next section of this report shows.

SECTION II--MARKET TRENDS FOR OH-BE-JOYFUL'S MINERALS

Molybdenum

While there is more solid evidence for the presence of minor amounts of lead, zinc, and silver in Oh-Be-Joyful, the prospect of a molybdenum deposit has generated the most opposition to Wilderness designation. This results from the Amax corporation's once-planned giant molybdenum mine on Mt. Emmons, adjacent to the WSA, and the increased value which that mine could give any moly deposit in the WSA.

However, there is very little possibility that the Mt. Emmons Project will be built during this century, or within the forseeable future. To begin, Amax's moly mines are now closed, and company spokesman Nelson Fugate recently told the *Denver Post*, "We don't know" when the mine will reopen, "There is no start-up date."[19] Amax's new Kitsault mine in British Columbia will not reopen for at least "several years," said another spokesman, and the reopening of that mine "...is not even being discussed."[20]

Amax is the largest single producer of moly in the world, with a capacity of 112 million pounds per year.[21] But in 1982 Amax's Climax and Henderson mines produced less than half their capacities, 20.5 and 18.5 million pounds, respectively. Kitsault, with a capacity of 9 to 10 million lbs./yr, was open only one year, producing 5.9 million pounds.[22] Amax lost $231 million in 1982.[23]

By July, 1983, *American Metal Market* said molybdenum production was "virtually nonexistant at mid-year," with a "massive domestic inventory overhang at the end of 1982" equal to an estimated 85 to 100 million pounds. The Amax [illegible] share of this inventory was over 40 million pounds.[24]

Climax and Henderson produce moly at $2 per pound, a low price, while Kitsault produces at $4/lb.[25] Amax's current selling price is only $4.65,[26] while the rest of the market was at $3.87 in June, 1983.[27] Japanese moly traders expect that future mines, such as Mt. Emmons, would produce at $7 or $8/lb. (These traders once put security through long-term contracts as a priority over low prices, but now are switching to free trading because of abundant production capacity.)[28]

Amax "postponed" its Mt. Tolman Project on the Confederated Colville Tribes' reservation in Washington at the same time it "deferred" the Mt. Emmons Project in 1981. The tribe is now seeking another mining company to develop the prospect, thinks the costs of production would be $3/lb.,[29] and says the mine could be on-line quickly ("in a race against time" with Quartz Hill--see below) because of preliminary work already completed by Amax.[30]

Beside the Mt. Tolman deposit, the Quartz Hill moly deposit of southeastern Alaska (owned by U.S. Borax, a subsidiary of Rio Tinto Zinc) will most likely be developed before the Mt. Emmons Project. Quartz Hill has huge reserves, and will produce (no earlier than 1987) 40 to 50 million lbs./yr. for over forty years,[31] making it the second largest moly mine, after Climax. The company has not yet committed the $1 billion development costs, and is in a wait and see posture.[32]

Although all primary producers of molybdenum were closed at the begining of 1983,[33] and production capacity utilization was only 37% at mid-year,[34] two new mines are expected to open this year, and another recently opened mine will restart. Molycorp, Inc. (now owned by Union Oil of California) has rejuvenated its played-out surface mine at Questa, N.M. with a new underground facility, called "Goat Hill." This mine cost $200 million, has a capacity of 20 million lbs./yr., and could open in late 1983.[35] Standard Oil of Indiana (Amoco) is completing a primary moly mine in Challis, Idaho at a cost of $375 million, to yield 9 to 11 million lbs./yr., and could be on-line in October, 1983.[36] These two mines will produce at about $3/lb.[37] In contrast, the Mt. Emmons Project was projected to cost at least $1 billion in 1980, and would likely produce at $7 or $8.

The Amoco and Union Oil mines would seem to be poor investments today, and their existence owes to the companies' comittments of capital prior to the collapse of the moly market.[38] They will offer serious competition to any reopening and future developments of Amax's facilities by seeking to achieve at least some immediate cash flow from their new mines, perhaps by offering prices below production costs.

Anaconda (owned by ARCO) has developed the Hall mine at Tonopah, Nevada, yielding about 7 million lbs./yr. molybdenum, 3 million lbs./yr. copper, and some silver; (The silver generates more income than the moly.[39]) It is due to resume production this fall.[40]

The secondary producers of molybdenum seriously complicate the picture for the above primary producers. Until recently, 30 to 50% of the Western Hemisphere production of moly was as a byproduct of copper.[41] This has expanded to about 83%.[42] The reason is that secondary moly producers have a "no-stock" policy. That is, they will not store, but must sell, all moly they produce. "The inescapable conclusion is that, come hell or high water, $30/lb. or $1/lb., these companies will sell their production."[43] The 1983 Western byproduct production is estimated at 101 million pounds,[44] while the "free-world" market demand is estimated at 120 to 150 million pounds.

The third and fourth largest U.S. moly mines are byproduct producers: Duval's Sierrita mine in Arizona, and Kennecott's Utah Copper in Utah, with capacities of 17.6 and 9.9 million lbs./yr. respectively.[45] Further, byproduct capacities have expanded enormously during the past five years.[46] Canada is increasing capacity (all byproduct) from 33 million to 52 million lbs./yr; Chile is increasing from 31 million to 62 million lbs./yr.; and Peru is increasing from 1.6 million pounds in 1978 to a current 6.1 million lbs./yr.[47] Mexico has opened a new copper/moly mine (costing only U.S. $23million) and will become a major supplier with 6.6 million lbs./yr., eventually increasing to 22 million lbs./yr.[48] Argentina, now a moly importer, will become self-sufficient in moly for its strong steel industry when a large copper/moly deposit is developed by St. Joe Minerals, during the mid-1980's.[49] The Soviet Union, also a moly importer, is rapidly moving toward self-sufficiency in moly.[50]

"All told, the U.S. production capacity between 1978 and 1985 will expand by some 40,000 tpy [metric tons per year] --i.e.about 67%."[51] The worldwide capacity development occured because Amax "made the molybdenum business attractive enough over the past 60 years that everybody and his brother wanted to be in it," said Nelson Fugate.[52] World Mining magazine reported that since 1976 "...the greatest upsurge in porphyry copper and moly prospecting in history has taken place," and the metal is now being found in less likely spots such as Maine, New Brunswick, Nova Scotia, the Carribean, and the Phillipines.[53] Vast molybdenum resources have been identified, and more are being found.[54] (For a review of these discoveries, see Appendix A.) Much of the capacity development began after moly demand peaked in 1979 at 205 million pounds, when spot prices reached up to $42/lb. and Amax's long-term contracts reached $9.50/lb.

The capacity development produced a glut that was predictable as early as March, 1980, when Business Week printed an article entitled "The rush to mine molybdenum may bring a glut."[55] Then the world economic recession of 1981/82 severely diminished the demand for steel, the primary use of moly. This, plus the capacity glut caused moly prices to reach a record low of $2.50/lb. last December, 1982.[56]

While the situation will gradually brighten for the world economy and the steel industry, the Wall Street Journal reported that "Even when the economy and demand recover, many analysts expect overcapacity to continue in the molybdenum industry."[57] American Metal Market observed that a moly market researcher "...noted that with demand expected to grow at only 4 to 5% a year, the market won't meet existing world capacity before 1990."[58]

All these developments strongly indicate that development of the Mt. Emmons Project is extremely unlikely within the forseeable future (50+ years), and that any molybdenum which may be found in Oh-Be-Joyful would be unmarketable for many years. This may well explain why the mineral companies are not exploring in the Wilderness Study Area.

Lead, zinc, and silver

More solid evidence has been found for the presence of small quantities of lead, zinc, and silver in Oh-Be-Joyful than for molybdenum. However, no deposits large enough to justify new mining appear to exist. This is evident upon analysis of the markets and supplies for these minerals:

Lead

In terms of tonnage consumed, lead is the fifth most important metal in our economy, behind iron, aluminum, copper, and zinc. The U.S. has plentiful supplies of lead, and reliance upon foreign sources of the metal has decreased from 12% in 1978 to 1% in 1982. (In 1980, the U.S. was a net exporter of lead.)[59] Concurrently, the price has decreased from a high of 52.6¢/lb. in 1979 to 26¢ in 1982 to only 17¢ in 1983.

Missouri is the major supplier of lead in the country. In 1979 eight mines in Missouri supplied 90% of the domestic primary lead,[60] and by 1982 they were supplying 93%.[61] In 1982 the U.S. mines operated at only 83% of production capacity, with a small increase in utilization forecast for 1983.

In 1979 8% of U.S. lead producion came from Idaho, and another 2% came from Colorado, Virginia, New York, Montana, and Arizona combined.[62] Colorado was third among the 50 states in lead production in 1981, but that represented only 3% of the national total[63] and was strongly influenced by stikes in the Missouri mines. The average ore grade in Missouri is 6% lead and 1% zinc, with traces of copper and silver. In Idaho, where lead deposits are geologically more similar to the mineralization in Oh-Be-Joyful, grades are 5% lead and 4% zinc, with some traces of gold and silver.[64] Bureau of Mines assays in Oh-Be-Joyful show generally poorer grades in the WSA (see Section I, infra).

Further, the Bureau of Mines notes that, "Transportation is a major cost at small western mines in movement of concentrates to distant smelters."[65] It should be noted that Colorado has no lead smelters. "Competition from foreign ores and metals in the domestic market and lower cost production from the Missouri mines reduces the incentive for the high-cost western lead mines to maintain production and necessary resource development."[66] This transportation cost is especially significant in isolated Gunnison County which has no railroad.

Future demand for lead is uncertain. Although the Bureau of Mines projected in 1980 a probable growth rate of 2.2% per year to the year 2000,[67] this is "...contingent primarily on more cost-competitive and reliable electric vehicles and major power supply load-leveling applications (battery storage)."[68] With the cost of electricity currently rising more rapidly than the price of gasoline (due in large part to the extreme capital costs of new powerplants), electric vehicles are still far from being economically viable. Load-leveling is being accomplished through electric rate structuring, rather than lead-acid battery storage. Lead is highly toxic to humans, and its use in gasoline and paint is ending, and "Substitution by plastics has reduced the use of lead in building construction, electrical cable covering, and in cans and containers. Aluminum, tin, iron, and plastics compete with lead in other packaging and protective coatings."[69] In short, according to the Bureau of Mines, "...total reserves are more than adequate to support the domestic component of primary cumulative demand to 2000."[70]

Meanwhile, lead smelting capacity has been declining. (4 of the 6 U.S. lead smelters were built prior to 1930.),[71] and the Bureau predicts "...the prospect of finding additional resources of conventional deposits at a rate exceeding consumption is highly favorable." Additionally, major economically recoverable resources of lead have been recently discovered in the U.S., Canada, Australia, and Republic of S. Africa.[72]

Zinc

Zinc is the fourth most consumed metal in our economy, used in automobiles, construction, brass and bronze, rubber, paint, and as a protective coating on steel. In 1979 the

U.S. used 930,000 metric tons of zinc,[73] or about 20% of the world supply.[74]

The U.S. imported 53% of its zinc in 1982, down from 66% in 1978.[75] The type of U.S. zinc imports is changing: "U.S.[zinc] smelting capacity declined by about 40% from 1968 to 1979 despite the construction of two new plants... Consequently, metal has replaced concentrate as the major import form."[76] Canada was the prime source of imports (55%), with Peru, Honduras, Mexico and the Federal Republic of Germany contributing most of the remainder.[77] Australia, Ireland, and South Africa are also likely to have zinc available for import in the near future.[78] Thus, the diversity of suppliers should ensure a steady flow of zinc for the U.S. economy.

In 1982, the major zinc producing states were Tennessee (40%), Missouri (21%), New York (16%), and Pennsylvania(8%).[79] Colorado was 6th in 1981, producing 5% of the national total. Almost all of Colorado's production came from two mines, Asarco's "Black Cloud" in Leadville, and the"Sunnyside"near Silverton. New Jersey Zinc (now owned by Gulf and Western) has closed its "Eagle" mine at Redcloud, Co., which was the state's largest zinc mine from many years, but played out.[80]

The average ore grade in U.S. zinc mines is 4%; mines in other countries range from 6 to 9% zinc.[81] Ores taken from the Black Cloud mine average 9.33% zinc. A new zinc mine in New York, the "Pierrepont" of St. Joe Minerals (now owned by the Fluor Corp.) has zinc ore at 16%. Noranda has a new mine on Admiralty Island in Alaska, with 8 to 10% zinc. A mine planned for the Helena, Mt. area by U.S. Minerals and Placer Amex shows similar values,[82] and the "Red Dog" property of Cominco in Alaska has gigantic reserves of 85 million tons grading 17% zinc.[83] In contrast, Oh-Be-Joyful's resource is inferred to be 400,000 tons of ore with 1.4% zinc.

Meanwhile, despite a gradually rising price for zinc,[84] on Jan. 28, 1983 Gulf and Western closed indefinitely its Beaver Creek mine and Jefferson City mill in Tennessee, which had been producing 10% of the U.S. zinc concentrates.[85]

The use of zinc closely reflects general economic conditions, so that growth of zinc consumption is closely tied to growth in the U.S. economy. Little of any increased demand will be supplied by Colorado mines, for the entire Southwest (defined here as Az., Ca., N.M., Ut., and Co.) has only 0.6 million metric tons of reserves, while the Mississippi Valley states have 4.6 million metric tons, the South Appalachian states (eastern Tn., and Va.) have 6.4 million, and the Northeastern states have 3.0 million.[86]

Future resources in the U.S. are unlikely to be found in the Colorado mountains. Rather, "Available data on sphalerite-bearing coals in the mid-continent U.S. suggest a resource potential of many millions of tons of zinc metal that could possibly be recovered as a byproduct of coal mining with limited modificaion of existing technology. Preliminary evaluations [indicate]...other continents may have similar zinc resources."[87]

Both the ore grades and the sizes of reserves found in other parts of the country dwarf the assays in Oh-Be-Joyful, showing the WSA has an inconsequential zinc resource.

Silver

If any metal were to justify mining in Oh-Be-Joyful in the near future, it would probably be silver, the most valuable of the metals under consideration. Yet silver in the WSA must still be considered a subeconomic resource, not likely to be mined in the forseeable future.

U.S. imports of silver have ranged from only 7% of domestic consumption in 1980 to 59% in 1982.[88] Honduras, Canada, Peru, and Mexico were the major suppliers of silver imports, and any two of the latter three suppliers have adequate production to meet U.S. needs for the forseeable future. The U.S. Bureau of Mines considers the foreign supply steady because "...concurrent disruptions in the flow of silver from these countries seems unlikely."[89] Perhaps for that reason, the U.S. government stopped stockpiling silver in the mid-70's and has been selling the inventory. It still has 137.5 million troy ounces on hand.[90]

"U.S. mine production [of silver] for the past 20 years has remained almost static..."[91] with Colorado being a small to major supplier. In 1981, Colorado was fourth among the 50 states in silver production, yielding 7% of the national total,[92] but in 1982, Colorado was not even in the top six states.[93]

Homestake's "Bulldog" mine at Creede is Colorado's largest silver mine, with reserves of 794,000 tons of ore grading 16.3 ounces of silver per ton, with 2.8% lead.[94] The "Sherman" mine of Hecla in Leadville is number two, with ore containing 14.6 oz./ton silver and 0.6% lead. Hecla's large "Lucky Friday" mine in Idaho shows similar silver values, with 15.3 oz./ton and reserves of 594,000 tons. The"Caribou" mine in Boulder County, Colorado, was recently reactivated, producing 75 to 100 tons per day with 31oz./ton. The next silver mine to be developed in Colorado will likely be the Bachelor Mountain property near Creede, with 3.3 million tons of ore with 6.4 oz. silver per ton.[95] For Oh-Be-Joyful, ore grades assayed within the WSA (averaging 0.6 oz.silver/ton) were generally well below the values at existing mines. All higher grades discovered by the Bureau of Mines were from outside the WSA.

Two-thirds of the U.S. silver production is as a byproduct or coproduct of copper, lead, and zinc mining.[96] This is quite significant for the value of silver in Oh-Be-Joyful because "...most significant increases in reserves and resources are expected to come from major base métal discoveries that contain byproduct silver."[97] While the WSA may contain some small deposits of silver, there is little evidence of other metals which could pay for the huge capital investment necessary for a new mine. The silver mining prospect is further diminished by the lack of smelters in Colorado. The nearest are in Idaho and Texas.[98]

While the U.S. has proven ore reserves of 6 billion oz. of silver[99] (equal to 42 years of U.S. consumption at the 1982 level of 144 million troy oz.[100]), this is considerably augmented by the estimated 2.4 billion oz. held by individuals in the form of coins, bullion, and sterlingware.[101] Portions of this significant "reserve" become available for industrial use when people sell to seconday silver refiners during times of high prices, thereby competing with new mine construction.

SECTION III.--COMPETITION FROM METAL RECYCLING AND SUBSTITUTION

As mineral ore grades decrease in quality and shortages develop, prices for minerals increase. Increasing prices allow the exploitation of lower grade ores, but they also spur suppliers and consumers to seek cheaper substitutes or to recycle materials. Recycling is becoming cheaper as its technologies and markets evolve. Ultimately the cost of recycling will be lower than the cost of extracting virgin materials, and this will create a partial ceiling on mineral prices.

While a future prediction that "Oh-Be-Joyful's minerals will never be worth mining" would certainly be foolish, verging on hubris, it is not unreasonable to assert that recycling and substitution will strongly compete with the exploitation of deposits which are presently not economic.

The following section documents the existing trends and future potential for recycling and substitution of the four metals found in the WSA.

Molybdenum

Molybdenum's primary use, accounting for 85% of moly consumption, is as an alloy in iron and steel, making it harder, stronger, more corrosion resistant, and increasing its melting point. Moly is "locked in" as an alloy and cannot be economically removed. But steel is commonly recycled, and the scrap's moly content can be utilized. For example, "producers of low alloy construction steels take full advantage of the residual alloy in the scrap by chemically analyzing the steel melt before adding alloys and only adding enough new alloy to achieve the required amount in the steel produced," according to Amax's Moly News.[102] A key to moly recycling is to "keep track of and segregate the scrap that is generated (and purchased)," but this is "virtually impossible," says the Moly News. This, however, could probably be overcome through more strict record-keeping. For example, "In the categories of abrasion resistant materials and tool steels, scrap segregation is the rule."[103] For the high-tech "superalloys," which accounted for 3% of moly consumption in the Western world in 1978, no "tramp" elements (impurities) may be allowed, and therefore only virgin melting stock is used. Much of the 15% of non-alloy use is as a catalyst in the petroleum and chemical industries, and "...a high percentage of all molybdenum used in this market is now being recovered. Latest estimates [in 1980] are that one million pounds of molybdenum are being added to the market this way."[104]

Generally, there are increasing potentials for molybdenum recycling, but the current abundance and low price of the metal create a disincentive for recycling.

Substitution for molybdenum also has some potential. During the pinch on moly supplies in 1979, many Japanese users switched to columbium and vanadium and have not returned to molybdenum.[105] While molybdenum is today's "wonder metal," that status could change as new metals technologies evolve. For example, Allied Chemical has created a "promising technique for creating super iron" called metallic glass or microcyrstalline alloy which uses cheap substances such as silicon, boron, and carbon instead of chromium, molybdenum, or tungsten. "Metallic glass is three times a strong as the toughest steel alloys and up to 100 times as corrosion resistant as the best stainless."[106]

With the development of these substitutes for moly, and in light of the moly reserves already inventoried in other parts of the county, mining the deposits within the Oh-Be-Joyful WSA simply does not seem economically possible.

Lead

Recycling is already an important source of lead, accounting for 55% of supplies.[107] It's primary use is in lead-acid storage batteries which are frequently reclaimed. Lead used in gasoline and paint is dissipated and unrecoverable, but as these uses of the metal are ended, a larger proportion of the lead used in our economy will be recyclable. If electric vehicles become popular, demand for lead will rise, but so will the quantity of lead available for recycling.

Zinc

Only small amounts of zinc are now recycled, but there is probably great potential for increasing zinc recycling, for few of the metal's uses are dissipative. Zinc recycling yielded 5.7% of total U.S. demand in 1979,[108] and was up to 9.3% in 1982. The major short-term potential is in the 180,000 tons of zinc die-castings which are discarded yearly in scrapped automobiles.[109] This, if recovered, would account for 22% of the zinc consumed in the U.S. in 1980 (=810,000 metric tons[110]).

Conservation could significantly reduce demand for virgin zinc. For example, the automobile industry reduced its use of zinc by two-fifths in one year, from 61.7lbs. of zinc per car in 1975 to 36.5lbs./car in 1976.[111] Additionally, the Bureau of Mines has identified a major resource in the wastes from zinc smelters that have accumulated for 50 years. "At 1972 prices, the magnetic fraction [that portion which can be separated by a magnet] of the zinc retort residues generated in 1969 [alone] would contain nearly $25million worth of zinc, lead, copper, silver, and iron."[112]

Silver

Silver is extensively recycled because of its relative value. Old scrap yielded about the same quantity of silver as did domestic mine production in 1979.[113] A typical example of silver recycling is the Oak Ridge National Laboratory which developed a new silver recovery system which recovers 80 kilograms per year worth $25,000 at 1982 prices, while saving $80,000 in anti-pollution disposal costs.[114] Hewlett-Packard has been recycling silver from its semiconductor plants for 7 years, and an industry trade group believes that there is significant potential in this field, especially since such silver recycling "generates significant income that goes right to the bottom line."[115]

The photography industry accounted for 44% of the domestic silver consumption in 1981 (51 million of the 117 million oz. consumed).[115] Conservation and recycling in this industry are increasing. The industry reduced its demand by almost 25% between 1979 and 1980, thanks mainly to efficiency improvements at Kodak. The disc-film camera introduced in May, 1982, significantly reduces the silver content of film, and the new "T-grain" color negative materials provide an increase in image quality and increased light sensitivity without increasing silver. Finally, Kodak's new Ortha-G X-ray film uses less silver than older films and exposes users or workers to less radiation.[116]

Silver can be recovered from photographic developing solutions, and techniques that are simple and economic for individual users are now available. (Decreasing silver content does somewhat reduce this potential.)[117] The Bureau of Mines has also identified another silver resource in the brazings of old scrapped airplanes which can be recycled. This may become a significant source of recycling, since for example, a B-58 bomber contains 300 pounds of silver.[118]

While there is no good substitute for silver in film at this time, video is making rapid inroads into use of film for motion pictures. Also, Sony has developed an all-electronic magnetic video disc to compete in the still photography market, and electronic imagery is also replacing conventional X-rays.[119]

Recycling--General

A study sponsored by the University of Stockholm's Institute for International Economic Studies recently indicated that there is so much metal already in the world economy that they expect a "...substantial increase in the importance of scrap as a source of metallic raw materials," to the extent that there is "very little room for any expansion of the markets for the mining industry through the rest of the present century."[120]

One of the best reports on the potential of recycling came from the Bureau of Mines, which takes pride in its over 50 years of research into the problem. The Bureau's review

> ...demonstrate[s] the fact that new innovative research offers excellent opportunities for significant advances in the technology of recycling...Achievements to date indicate a high potential for the emergence of a thriving waste utilization industry during the next decade. The collective wastes presently being discarded comprise a vast rejected resource. No industrialized nation can continue to reject such a resource indefinitely. Its ultimate use is inevitable. 121

FOOTNOTES

1. Reference #29, Schmidt
2. Ref. # 31, Smith
3. Ref. #16, Hasler
4. Ref. #10, Co. Geo. Survey, p. 5
5. ibid., p.5, 3, 2
6. Ref. # 4, Baker, p. 1
7. ibid., p.4
8. Ref. # 13, Ellis, p.5
9. ibid., Table 1
10. ibid., Figure 7B, with table
11. ibid., Table 1
12. ibid., p.19
13. ibid.,p.18
14. ibid.,p.19
15. ibid., p.18
16. ibid., p.5
17. Ref. #39, U.S.D.A, p. 54
18. Ref. #13, Ellis, p.19
19. Ref. #9, Chronis
20. Ref. #20, Kingston
21. Ref. #33, Sutulov, p.11. Amax's 112 million lb./yr. capacity approaches the total world production of 120 million lbs.
22. Ref. #18, Haflich
23. Ref. #2, "Amax lost..."
24. Ref. #18, Haflich
25. ibid.
26. Ref. #21, Murakami
27. Ref. # 9, Chronis
28. Ref. #21, Murakami
29. Ref. #17, Haflich, Mt. Tolman has proven reserves of [illegible] billion tons grading 0.1% copper, and .01% moly, and was designed to produce 60,000 tons of ore per day.
30. Ref. #18, Haflich
31. Ref. #33, Sutulov, p. 171
32. Ref. #18, Haflich
33. Ref. #38, U.S. B.M.
34. Ref. #34, Sutulov
35. Ref. #18, Haflich
36. Ref. #28, Salak
37. Ref. #18, Haflich
38. Ref. #28, Salak
39. Ref. #33, Sutulov, p.97
40. Ref. #18, Haflich
41. Ref. #33, Sutulov, Byproduct production of moly is now economically feasible if the metal grade is at least .005%.
42. Ref. #9, Chronis
43. Ref. #5, Benham
44. ibid.
45. Ref. #33, Sutulov, p.327
46. Ref. #14, Foote, A typical example is Anaconda's decision to enter the moly market with the Tonopah mine and with the new byproduct operation at their Butte, Mt. copper mine, described by Foote. The Butte concentrator cost only $8 million to yield 6 million lbs./yr. moly. But the Butte mine is now closed due to low copper prices.

47. Ref. #33, Sutulov, p. 150-151
48. ibid., p. 160-162
49. ibid., p. 21
50. Ref. #34, Sutulov
51. Ref. #33, Sutulov
52. Ref. #9, Chronis
53. Ref. #40, Wyllie
54. The term "resources" refers to minerals which are known but are not presently economically recoverable. "Reserves" is a more restrictive word, indicating currently marketable minerals. Under this definition, the Mt. Emmons deposit--165 million tons of ore grading 0.4% moly (=1.3 billion pounds)--is a "resource". In contrast, the world's largest copper mine, "Cuquicamata" in Chile has proven reserves of 4.7 billion pounds of moly (!) and "...a similar quantity of still subeconomic resources, especially molybdenum" according to Ref. #33, Sutulov. p.36.
55. Ref. #27, "The rush..."
56. Ref. # 21, Murakami
57. Ref. #2, "Amax lost..."
58. Ref. # 18, Haflich
59. Ref. #38, USBM, p.86
60. Ref. #24, Rathjen,p.501
61. Ref. #38, USBM, p.86
62. Ref. #24, Rathjen, p.501
63. Ref. #32, Starch, p.107
64. Ref. #24, Rathjen, p.505
65. ibid., p.506
66. ibid., p.504
67. ibid., p.507
68. Ref. #38, USBM, p.87
69. ibid.
70. Ref. #24, Rathjen,p. 509
71. Ref. #35, USBM
72. Ref. #38, USBM, p.87
73. ibid.,p.174
74. Ref. #7, Camarota, p.1025
75. Ref. #38, USBM, p.174
76. Ref. #7, Camarota, p.1038
77. Ref. #38, p.174, and Ref.#3, Babcock, p.15
78. Ref. #7, Camarota, p.1042
79. Ref. #38, USBM, p.174
80. Ref. #32, Starch, p.111
81. Ref. #7, Camarota, p.1038
82. Ref. #19, Jolly, pp.899-900
83. Ref. #15, Grace
84. Ref. #38, USBM, p.174
85. Ref. #37, USBM
86. Ref. #7, Camarota, p.1029
87. Ref. #38, USBM, p.175
88. ibid.,p.140
89. Ref. #26, Reese, p.1
90. ibid., p.2
91. ibid., p.1
92. Ref. #32, Starch, p.110
93. Ref. #38, USBM, p.140
94. Ref. #32, Starch, p.109

95. Ref. #11, Drake, p.753 and Ref. #32, Starch, p.109-110
96. Ref. #38, USBM, p.140
97. ibid.
98. Ref. #11, Drake, p.824
99. Ref. #26, Reese, p.3
100. Ref. #38, USBM, p.140
101. Ref. #26, Reese, p.4
102. Ref. #25, "Recycling...",
103. ibid.
104. ibid.
105. Ref. #21, Murakami
106. Ref. #6, Bylinsky
107. Ref. #24, Rathjen, p.493
108. Ref. #38, USBM, p.174
109. Ref. #7, Camarota, p.1035
110. Ref. # 38, USBM, p.174
111. Ref. #3, Babcock, p.14
112. Ref. #36, USBM, p.31-32
113. Ref. #11, Drake, p.830
114. Ref. #30, "Silver recovery.."
115. Ref. #22, "Precious metals..."
116. Ref. #1, Abrahams
117. Ref. #36, USBM, pp.53-54
118. Ref. #8, Chambers
119. Ref. #1, Abrahams
120. Ref. #23, Radetzki
121. Ref. #36, USBM, p.83

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APPENDIX A: from the Intermet Molybdenum Yearbook, 1982

DEVELOPMENT OF NEW RESOURCES : A combination of two factors - high molybdenum prices since 1977 and the gradual takeover of the traditional metal mining companies by the energy sector had an extraordinarily strong impact on the development of new resuources. Practically every major company sent exploration groups all around the world, to Arizona, Nevada, Colorado, New Mexico, British Columbia, Ontario, Chile, Peru, South East Asia, Oceania, Australia and everywhere else in search of base and alloy metals, molybdenum and gold being the principal ones. No wonder that this resulted in the discovery of new deposits, some of them of considerable importance.

In Nevada, AMAX and Rocky Mountain Energy, a subsidiary of Union Pacific, continued a joint-venture effort in the exploration of the relatively little known Buckingham deposit to discover that this low grade orebody may contain as much as 1 billion tons of 0.06 % molybdenum ore. EXXON successfully drilled at Eureka and Mt. Hope to find a major molybdenum orebody in rhyolite porphyry. Full evaluation of the potentiality of this prospect is in progress and it is believed that it falls in the 100 million tons category or more. In south western Nevada, an important molybdenum mineralization was found at Paradise Peak, in Nye County, about 25 miles from Gabbs. The drilling is carried out by UV Industries and mineralization was found at depths from 50 to 700 feet. Nearby is another called Buzzard Peak and belonging to Colby Mines, with a complex molybdenum-copper-tungsten mineralization. Apart from Buckingham, AMAX was also drilling at Pine Nut in Mineral County near Gardnerville, while US Borax explored the Barcelona district in Nye County, east of Round Mountain. There were also drilling teams in Nevada from Molycorp, Louisiana Land and Development Company, Phillips Petroleum Company, Union Carbide Corporation and some other minor companies, which only indicates that Nevada is considered a high potential area for copper and molybdenum porphyries. This, along with the fact that molybdenum is already being recovered by Kennecott at McGill in the Robinson District and by Anaconda at Tonopah, on ~~the western~~ slope of San Antonio Mountains in Nye County, indicates that in this or the next decade, Nevada may become a large molybdenum producer.

Arizona is better explored than Nevada and, with operations established as early as 1880, is on record for molybdenum production since the beginning of this century. In fact, it was the first molybdenum producer in USA and its large copper porphyries at San Manuel, Bagdad, Mission, Mineral Park, Sierrita, Esperanza, Silver Bell, Inspiration, Pinto Valley, Morency and Ajo and Rey account already for over 25 % of the national production capacity. In spite of this, new exploration programs carried out by Newmont and Getty Oil lead to the discovery of a major copper porphyry at Casa Grande with reserves over 500 million tons grading 1 % Cu and 0.012 % Mo. This is at present the best copper porphyry in the US and probably will be considered for production before the end of this decade. Lake Shore mine, now taken over by Noranda, also prove to contain an interesting mineralization in moly. Its 250 million tons reserves contain an average of 0.[illegible] % Cu and 0.008 % Mo. This state has also substantial potential for new production development at Vekol Hills, where over 100 million tons of 0.6 % Cu and 0.014 % Mo reserves exist and at the Copper Basin district where reserves amount to about 150 million tons of 0.55 % Cu and 0.2 % Mo. In some areas of this districts, high-grade sections with up to 3 % Mo were found. An Additional potential has been found in numerous molybdenum quartz veins in Mohave, Pima, Pinal and Santa Cruz Counties, such as Leviathan mine, where in the past 3 to 5 % Mo ore was extracted, or Santa Nino mine, with a high grade ore coming-up to 0.5 % Mo and several percent of copper. The other possibility are the molybdenum stockworks found at Squaw Peak and Ventura mine.

Nevertheless, Alaska, along with the Yukon and northern British Columbia are the prime areas for development of the now resources. Apart from fabulous Quartz Hill deposit discovered by US Borax important deposits were found in South Eastern Alaska, near Yukon and the BC border. The most promising of them are the copper porphyries of Orange Hill and Bond Creek. Bond Creek, just along the Canadian border, is reported to have some 500 million tons of ore assaying 0.3% Cu and 0.018 % Mo, while Orange Hill, in the same location, has about 300 million tons of ore assaying 0.35 % Cu and 0.12 % Mo. Somewhat to the north of this region is the Tauris Bluff deposit, with about 150 million tons of 0.5 % Cu and 0.05 % Mo ore. North East of Quartz Hill, also close to the Canadian border, are other two minor porphyries, that of Nunatak, with approximately 100 million tons of 0.07 % Mo, and Boundary Creek, North East of Juneau, with a substantial mineralization, which volume has not been determined yet. Additional molybdenum mineralization has been found at Lawrence Island in the Bering See region, at Pyramid Mountain in the Alaskan Peninsula and molybdenum quartz veins in the Katichikan (Kosciusko Island, Baker Island), and Juneau Districts (Lower Brady Glacier).

Just across the border, in the Yukon, important mineralization was found at Red Mountain, 25 miles from the Alaskan Highway. This property was originally drilled by Boswell River Mines and Tintina Silver Mines. Since 1978 it has been drilled by Amoco Canada Petroleum Ltd. which found mineralization over a length of 2 miles and so far proved 60 million tons of ore grading 0.12 % Mo. On the border of the Yukon and BC, Amax Minerals Exploration Ltd. has successfully drilled the Longtung Deposit, where it proved about 160 million tons of ore containing 0.1 % Wo and 0.033 % Mo. The other important deposit in this area is the Casino Deposit, located between Dawson City and Whitehorse, which consists of about 180 million tons of ore assaying 0.37 % Cu and 0.014 % Mo.

The British Columbia was the other area exceptionally active for molybdenum exploration in the last years. Placer continued the exploration of the Ruby-Creek Deposit, owned by Adanac, and found over 100 million tons of ore assaying an average of 0.1 % Mo. Newmont Mining and Esso Minerals of Canada, on the other hand, concentrated on their Trout Lake property which according to some estimates should be in the range of 100 million tons of ore assaying probably as much as 0.24 % Mo and some additional tungsten values. Another important find was Moly-Taku, on Mt. Ogen, 15 miles from the Alaskan border. This deposit, explored by Omni Resources, has very promising resources of about 200 million tons assaying an average of 0.2 % Mo but will be difficult to work because of the rugged environment and the abundance of ice. Otherwise BC is, of course, famous for such important deposits, Endako, Boss Mountain, Kitsault, Gibraltar, Island Copper, Lornex, Highmont, and others in the Highland Valley now in operation or in active development. The other deposits; such as Mt. Thomlison, with 40 million tons of 0.055 % Mo reserves, or Mt. Haskins, near Cassiar, with 15 million tons of 0.1 % Mo content, have to wait for the appropriate time and conditions for investment. Teck, which holds a 70 % interest in Shaft Creek, reportedly increased the resources of this deposit to 1 billion tons averaging 0.3 % Cu and 0.02 % Mo.

The British Columbia has virtually dozens of very promising copper-molybdenum and molybdenum porphyries or other types of deposits. Its potential has been developed only in the last 15-20 years and certainly has great for growth. In this context, it is interesting the recent purchase of Bethlehem Copper by Cominco which will certainly contribute to an intensification of exploitation of the Highland Valley deposit, such as the Jona, and J.A. and Maggie deposits, with an important molybdenum potential. British Petroleum and Utah Mines were exploring the Salal property, located 200 kms north of Vancouver, with a promising porphyry molybdenum potential.

Elsewhere in Canada and the United States, active exploration programs were carried out at Pinu Grove, Utah, by Getty Oil and Phelps Dodge where well over 100 million tons of ore assaying and average of 0.12 % Mo were found. In New Mexico, US Geological Survey reported the discovery of a potentially economic mineralization at South Four Pean, just about 10 miles South of Questa Mine.

In Australia, exploration drilling by CSR Limited brought to discovery of a major primary molybdenum orebody at Mudgee, in New South Wales. The individual ore samples assay up to 0.4 % Mo but the extention of the deposit has not been determined yet.

In Latin America new exploration programs were set in Mexico, Chile and Peru. Argentina and Brazil have also shown some promising conditions for the molybdenum mineralization. In Mexico the main exploration effort has been concentrated in the state of Sonora, which is the continuation of the porphyry belt from Arizona and where such important deposits as Cananea and La Caridad were found. Cumobabi developed into an important national producer; while an exploration by AMAX and Mexicana de Cobre was in progress at the Meztli-Creston Deposit, near Opodepe, about 110 kms northeast of Hermosillo. So far 135, million tons of reserves, assaying an average of 0.05 % Mo were proved.

In Chile a new porphyry copper desposit, containing probably as much as 400 million tons of ore, was discovered south of Chuquicamata in the desert of Atacama. Utah International and Getty Oil announced, late in 1981, the discovery of Escondida, with copper grades between 1 and 2.3 % and with-likely molybdenum mineralization of 0.012 % Mo.

Elsewhere in the world, new molybdenum deposits were found in South Korea and China. In South Korea a joint-venture agreement has been subscribed between AMAX and Hyunday Corporation in exploration and development of a new orebody at Sangdong with 80 million tons of ore reserves assaying an average of 0.25 % Mo. On the other hand, the Chinese reported a new molybdenum find in the Shanxi Province. It is rumored that AMAX and Duval have sent their geologists to China and that both companies are considering joint ventures with the Chinese in the development of their molybdenum resources.

DEEP SEA RESOURCES : Molybdenum has been found not only in manganese nodules, which apart from copper, nickel and cobalt also contain minor but probably still recoverable amounts of molybdenum in the order of several hundred parts per million. Recent reports indicate that deep sea explorations of the ocenan floor led to the discovery of sulphide deposits just off the coast of Ecuador along a fault at the Galapagos Rift. The theory goes that mineral-laden hot water solutions, like those which form hydrothermal deposits, break through the ocean floor at great depths and in contact with near-zero cold water precipitate polymetallic sulphides that they carry with. This hot solutions seeping through the floor may continue for thousands of years, and materialize in substantial depositions. The recently discovered polysulphide deposit at the Galapagos Rift was found at depths of some 2,400 mts, covering a surface of roughly 1,000 by 200 meters and was at least 45 mts thick. It is located about 500 kms west of Ecuador and contains substantial metallurgical values such as 10 % each of Cu and Fe, 0.1 % Mo and similar quantities of lead and vanadium, as well as 0.03 % each of silver and tin; plus 0,01 % each of zinc and cadmium. The volume of reserves was estimated at about 22.5 million metric tons and the estimated value of metals was about US $ 2 billion. Similar deposits are expected to be found in Pacific Ocean just off the US coast, at Gorda Ridge in Oregon and Juna de Fuca Ridge off the Washington State coast. This type of deposits will only increase the interest of consortia already engaged in the exploration and preparation for deep-sea mining of manganese nodules. Of particular interest are very high copper content of these minerals and the substantial silver and molybdenum credit which they may carry. Also, while the nodules have to be processed by costly hydrometallurgical methods to recover and separate their polymetallic content, these minerals, being sulphides, can be easily concentrated by a flotation process, which is considerably cheaper. Nevertheless, it is considered that at this time insufficient information exists on this type of deposits to actively consider their active exploration. The exploration has been carried out by US Department of Commerce scientists in a submergible vessel called Alvin, and the principal main data for this deposit were reported by the US National Ocean Survey.

SUMMARY OF MOLYBDENUM RESOURCES IN 1982

(in metric tons of molybdenum content)

	Primary Deposits	Co-Product Deposits	By-product Deposits	Total
UNITED STATES	1,532,000	137,000	616,000	2,285,000
SOVIET UNION	100,000	200,000	107,000	407,000
CANADA	177,500	40,000	122,000	339,500
CHILE	-	-	1,777,000	1,177,000
ALL OTHERS	30,500	-	169,000	199,500
TOTAL RECOVERABLE MOLYBDENUM - MT	1,840,000	377,000	2,791,000	5,008,000
INSTALLED PLANT CAPACITY - MT/year	77,810	22,300	38,890	139,000
PRODUCTION IN 1980	58,533	19,771	22,863	101,167

Senator WALLOP. Thank you, Mr. Bachman.

Mr. Pearson.

STATEMENT OF MARK PEARSON, COLORADO WILDERNESS NETWORK, GRAND JUNCTION, CO

Mr. PEARSON. Good morning, Mr. Chairman. My name is Mark Pearson. I live in Grand Junction, CO. I am representing the Colorado Wilderness Network today in testimony on the Colorado wilderness bills.

I would like to submit a lengthy discussion of all the boundary differences among the various bills for the hearing record, and also a copy for your perusal. I also have a number of photographs of various areas if you would like to see what some of the areas really look like instead of just the names of them.

The Colorado Wilderness Network endorses the conservationists' proposal of 1.2 million acres in 24 areas. While Senator Hart's bill, S.2032, is a good start toward this proposal, it still falls far short in protecting a number of areas, including Williams Fork, Chama Basin, the Sangre de Cristos along the Rainbow Trail, Davis Peak, Service Creek, Cannibal Plateau, and a number of other Forest Service roadless areas.

One major issue I would like to address today is that of private inholdings within wilderness areas. There are at present more than 13,000 acres of non-Federal lands within the 2.6 million acres of wilderness in Colorado. The existence of these inholdings indicates that in many instances Congress has determined that the outstanding wilderness character of the land in question far outweighs the doubtful possibility of development of these inholdings in a manner that might be incompatible with wilderness. There are many examples of successful land exchanges in Colorado. In just the past year in the Routt National Forest the Forest Service acquired 80 acres in the heart of the proposed Service Creek wilderness which was the only inholding into that area.

In the Montrose District the Bureau of Land Management has recently acquired 160 acres of private land in Powderhorn which was the highest homestead in America. The White River National Forest recently completed a major land exchange with AMAX to acquire approximately 450 acres of land with inholdings, and they are working with another private landholder to acquire more than a hundred additional acres.

Spanish Peaks seems to be the area for which there is greatest concern about private inholdings, but in Spanish Peaks the Forest Service has pursued an active policy of acquiring private inholdings, and in the past years they have acquired tracts along South Trujillo, Little Echo, and Wahatoya Creek. There is no reason to expect that this priority for acquisition would change if the area was designated wilderness.

There are a couple of other areas I would like to discuss in terms of boundaries—the San Juan Expansion and Service Creek. We are very concerned about the boundaries of S. 2916 on Service Creek. We feel it is imperative that the headwaters of a number of creeks in that area, including Service Creek, Silver Creek, and Harrison Creek, all be included within the wilderness. It would be extremely unfortunate if the lower downstream portions of these creeks were designated and the upper mile of the headwaters of the creeks were left outside of the wilderness so that inappropriate road building and a timber activity could occur in those headwaters.

You have a picture before you of the V-Rock area which is in the South San Juans. It is a very prominent feature. V-Rock, that formation, is one of the areas that has existing leases and lease applications. You can see by the rugged nature of that feature that it seems quite unlikely that anyone could do any exploration without a great amount of damage to that feature. Coupled with the fact that the USGS report for V-Rock indicated that it had only fair potential for oil and gas, we think that there is absolutely no reason that V-Rock should not be designated wilderness. It is in the vicinity of the last grizzly bear in Colorado. The upper end of V-Rock is about 2 miles from where the last grizzly was killed in 1979.

In one other area, Montezuma Peak in the South San Juans, there are a number of major, huge developments proposed in the Pagosa Springs area—a $400 million resort at Wolf Valley, a couple of ski areas in the East Fork Valley, and other places around Pagosa Springs. With that amount of resort development occurring, we think that there is little likelihood that a mine, major mine, would be welcomed into the Montezuma Peak area, and we think that this indicates that there is a de facto allocation for wilderness being made in that area, and not in favor of mining.

Thank you very much for allowing me to speak today.

[The prepared statement of Mr. Pearson follows:]

TESTIMONY ON COLORADO WILDERNESS BILLS BEFORE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Presented by Mark Pearson for the
Colorado Wilderness Network
September 18, 1984

Good morning, Mr. Chairman and distinguished members of the committee, my name is Mark Pearson. I live in Grand Junction, Colorado. I am representing the Colorado Wilderness Network today in testimony on the Colorado Wilderness bills, S. 2032 and S. 2916.

The Colorado Wilderness Network is a statewide network comprised of the several hundred citizen wilderness leaders scattered across Colorado as well as the many organizations, both large and small, which have contributed to the Conservationists' Wilderness Proposal for Colorado. The Colorado Wilderness Network was created in response to the critical statewide interest on wilderness in Colorado. In this respect, the Colorado Wilderness Network goes far beyond the organizational structure of existing groups in the state, incorporating not only the major organizations interested in wilderness but also citizen activists from places as small as Lewis, Colorado to large cities such as Denver.

The Colorado Wilderness Network endorses the Conservationists Proposal of 1.2 million acres in 24 areas. While Senator Hart's bill, S. 2032, is a good start towards this proposal, it still falls far short in protecting Williams Fork, Chama Basin, the Sangre de Cristos - the Rainbow Trail in particular, Cannibal Plateau, Davis Peak, Service Creek, and five other Forest Service roadless areas - Pawnee Grasslands, Bears Ears, Troublesome, Pagoda Peak, and Carson Peak.

One major issue I would like to address in my testimony today is that of private inholdings within wilderness areas. There are at present more than

13,000 acres of non-federal lands within the 2.6 million acres of wilderness in Colorado. These private inholdings generally represent long-abandoned patented mining claims and homesteads. Their existence within wilderness demonstrates that in many instances Congress has determined that the outstanding wilderness character of the lands in question far outweigh the doubtful possibility of development of these inholdings in a manner incompatible with wilderness. Such inholdings in fact receive a greater emphasis for acquisition by the managing agency when they are in designated wilderness.

There are numerous examples of successful exchanges in Colorado in just the past year. The Routt National Forest acquired 80 acres in the heart of the proposed Service Creek wilderness (the only inholding in the area); the Montrose District of the Bureau of Land Management acquired 160 acres of private land in the Powderhorn Primitive Area, which, by the way, was the highest homestead in America; the White River National Forest just obtained more than 400 acres of private lands within the Holy Cross Wilderness in an Exchange with AMAX and are working to obtain over 100 acres more in Holy Cross in another pending exchange.

In Spanish Peaks, the area for which the greatest concern has been expressed due to inholdings, the Forest Service has pursued an active policy of acquiring inholdings, having picked up parcels along South Trujillo, Little Echo, and Wahatoya Creeks inside the WSA boundary. There is no reason to expect this priority for acquisition to change, particularly if the area is designated wilderness. There are few, if any, incompatible uses occurring in the private inholdings in Spanish Peaks at present as the largest pieces are being used for ranching and grazing activities.

Greenhorn Mountain is another example of the lack of any real conflict between an inholding and wilderness. The private inholding on the west side of Greenhorn Mountain is owned by the Narona Institute, a Buddhist organization in Boulder. In a letter from their attorney, Mr. Roper, they gave their support for wilderness designation for all of Greenhorn Mountain WSA, and have no desire to develop their property.

I would now like to discuss in specific several areas which need substantial improvements in one or both of the bills. These are not the only troubling aspects of the bills. We are also greatly concerned by the complete omission of Oh Be Joyful, Fossil Ridge, Spanish Peaks, Lost Creek, and St. Louis Peak from S. 2916 and the omission of Williams Fork from both S. 2916 and S. 2032 as well as boundaries for numerous other areas.

The omission of the South San Juan Expansion WSA from S. 2916, Senator Armstrong's bill, is particularly unfortunate. Montezuma Peak, V-Rock and Chama Basin all comprise undisturbed grizzly bear habitat in the immediate vicinity of the last confirmed sighting of a grizzly in Colorado just 5 years ago. To highlight just one of these spectacular additions, Montezuma Peak contains the migration corridor for a major elk herd. At issue in Montezuma Peak are speculative values vs. confirmed wilderness, wildlife, and recreation values. Perhaps most important in a discussion of the wilderness determination for Montezuma Peak is the presence of several major resort developments planned for the Pagosa Springs area. A $400 million ski complex is proposed at Wolf Creek Valley; a $250 million summer resort is planned for Fairfield Pagosa; another ski area is slated for the East Fork Valley immediately west of Montezuma Peak WSA. In all, more than 3/4 of a billion dollars is being invested in an effort to transform the Pagosa Springs area into a major recreational resort. This is a de facto land use allocation decision. This decision is for recreation and not mining. Regardless of the potential for minerals, whether they be molybdenum or others, in Montezuma Peak, it is highly unlikely that a major mine literally next door to these resort developments will be welcomed. Mining in Montezuma Peak would be to the detriment of the recreational resort based economy being proposed for Pagosa; wilderness, on the other hand, for Montezuma Peak will significantly enhance the recreational setting for these huge new resorts by assuring protection of the scenery, by assuring continued viability of big game herds, and by preserving outstanding primitive recreation opportunities to complement those of the developed resorts.

V-Rock, while not immediately adjacent to proposed resort developments, will similarly enhance the diversity of recreational opportunities in the Pagosa area if designated wilderness. The question of oil and gas potential for V-Rock has been raised. The USGS report for V-Rock which was referenced by the Forest Service in their study of the area identified only fair potential, though the Forest Service inexplicably called this moderate to high. The USGS report noted a probable lack of the oil bearing geologic strate due to volcanic intrusions. The severe topographic relief of the area makes development of the few existing leases unlikely.

The other potential resource conflict is that of timber. However, in comments on the Draft San Juan Forest Plan, the Colorado Division of Wildlife stated their strong preference for wilderness for both V-Rock and Montezuma Peak. The proposed timber sale for wildlife in V-Rock is unsupported by state wildlife officials.

The boundaries of Service Creek, near Steamboat Springs, demand discussion. A major problem here includes the proposed Harrison Creek ski area in the midst of very critical elk winter range, calving grounds, and migration routes. Neither Senate bill includes Harrison Creek. Better attention has been given to the headwaters of Silver and Service Creeks. It is extremely important to the integrity of the wilderness that these entire watersheds be protected, and that logging and associated road building along Service and Silver Creeks, above the wilderness, not take place. Both the House bill, H.R. 5426, and Senator Hart's bill, S. 2032, make significant improvements in these areas. We urge the Senate to adopt the boundaries of S. 2032 with regard to upper Silver Creek and upper Service Creek.

We have several important additions to the Davis Peak proposals of S. 2032 and S. 2916. First is roughly 6,000 acres east of the FPA, taking in some of the riparian habitat of Beaver Creek as well as the smaller of Upper Big Creek Lakes and boggy areas to the south. This aquatic habitat complements the higher elevation lakes and streams in the Mount Zirkel Wilderness Area.

The second addition of approximately 15,000 acres is to the north and west of the FPA. This area is already criss-crossed with trails, making it a logical candidate to take some of the pressure off of the existing wilderness. In includes the closing of the short road up to the Encampment River and the historic Ellis Road. Originally a Ute Mountain Trail, and later developed into a main transportation route between Hahns Peak and Laramie, this valuable, historic resource is today obliterated by timber cuts on the west side of the Continental Divide. Excellent big game habitat in that same area is another reason to close the road to motorized access.

The third addition of about 22,000 acres is also west of the existing Mount Zirkel Wilderness. It takes in the highly scenic Hole-in-the-Wall and Hinman Canyons. Much of it has been seldom visited in the past, and remains in a virtually wild state, providing abundant big game habitat. This addition to the Davis Peak FPA contains lower elevation ecosystems not currently protected in the National Wilderness Preservation System.

We have a number of concerns with the House's treatment of the Wheeler Geologic area. We support wilderness designation, for the entire area of S. 2032, or roughly 25,000 acres. As you will note, the boundaries of S. 2032 follow logical typographic features, mainly Farmers Creek and East Bellows

Creek while providing protection for the only remaining virgin, sub-alpine forests in the upper Rio Grande drainage. These forests are, in particular, in and around Wason Park and Silver Park. Both the Farmers Creek - East Bellows Creek boundary and the House boundary take in these parks. Wason and Silver Parks will significantly enhance the existing La Garita Wilderness by adding lands on the south slope of the La Garita divide. Presently, designated wilderness is found only on the north slope of the La Garita divide.

We are also concerned by the National Monument status preferred by the House for Wheeler. National Monument designation will leave Wheeler open to inappropriate ORV use and will close it to hunting while failing to protect all of the outstanding features of the area. We urge Senator Armstrong to adopt S. 2032's wilderness boundaries for Wheeler.

West Needles is perhaps one of the bills' most visually breathtaking areas, comprised of jutting, jagged peaks and jewel-like lakes nestled beneath these. The additions incorporated by S. 2032 and H.R. 5426 greatly diversify the rugged core of the area. Purgatory Flats adds beaver ponds and riparian meadows, a startling contrast to the rocky slopes of the Twilight Peaks of West Needles. Another modification moves the boundary west across Cascade Creek, assuring protection of the entire creek canyon, filled by an impressive raging torrent. The Cascade Creek boundary of S. 2032 logically follows the west rim of the canyon, thereby taking in all of the gorge as well as the popular trail on its west bank.

One area of contention in West Needles is on the north end of the WSA. S. 2032 extends the boundary northward towards East Lime Creek in order to create a better defined boundary than that proposed by the administration. This addition of rolling meadows and aspen forests greatly complements the rugged core of the proposed wilderness. More importantly, the addition incorporates one of southwest Colorado's most popular cross-country ski areas.

A leisurely, downhill run - safe from the threatening avalanches so prevalent in the San Juan Mountains - through these rolling meadows is possible for those who park at Molas Pass and ski along East Lime Creek several miles back to the highway. While some snowmobile use occurs in this area there are literally thousands of acres of similar terrain available to snowmobiles directly across highway 550 to the north. Upper Cascade Creek, west of highway 550, is also already heavily used by snowmobiles. We urge support for the boundaries of S. 2032.

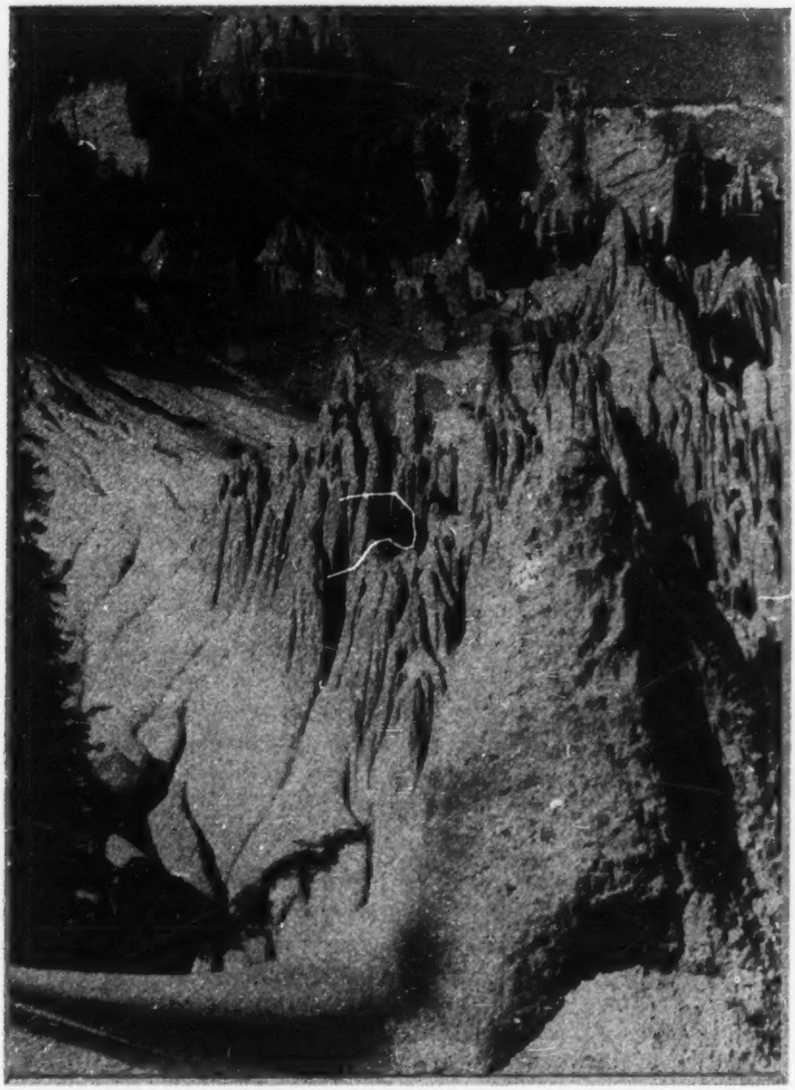
These are not our only concerns on boundaries for areas. The Sangres, Buffalo Peaks, Piedra, and Cannibal Plateau, are all in great need of significant boundary improvements.

We would like to submit the following detailed descriptions of areas for the hearing record. We have extensive comments concerning those areas left out of Senator Armstrong's bill, S. 2916, as well as comments concerning boundary differences among the two Senate bills, the House bill, and the Conservationists proposal. We look forward to the report by this committee of a strong wilderness bill providing protection for these diverse and spectacular Colorado Forest wildernesses. Thank you.

SERVICE CREEK

SOUTH SAN JUANS

WHEELER GEOLOGIC



Senator **Wallop**. Thank you, Mr. Pearson.

Mr. Stansfield.

STATEMENT OF JOHN STANSFIELD, ROCKY MOUNTAIN CHAPTER OF THE SIERRA CLUB, MONUMENT, CO

Mr. **Stansfield**. Thank you very much, Mr. Chairman, for the opportunity to testify.

I would like to begin with a quote from Mr. Leopold, a friend of the Forest Service and wilderness. He said: "Without a sale, there are blank spots on the map." I guess I come to speak for a few blank spots on the map today.

My name is John Stansfield from Monument, CO, and I am representing the 7,000 members of the Rocky Mountain chapter of the Sierra Club. The Rocky Mountain chapter and its members are awaiting the outcome of this proceeding with great interest.

By profession I am a part-time wilderness outing leader and a full-time professional storyteller. Today unfortunately time will not allow the spinning of any yarns about the wilderness. It's just the facts, Senators, just the facts, and a few well chosen opinions as well.

I have 14 years of experience both personal and professional with Colorado wilderness and wild lands. This is especially true of the wilderness study areas near my home in the Pike/San Isabel National Forest and the Canon City district of the Bureau of Land Management.

I have come here today to strongly support the Colorado Conservationists' recommendation for new wilderness designations and additions totaling 1.2 million acres in 18 areas. More specifically, I have come to testify for those areas about which I have some knowledge and for the future of which I have much concern. These areas are Sangre de Cristo, Greenhorn Mountain, Spanish Peaks, and the Lost Creek further planning area.

Today the Sangre de Cristo Wilderness study area presents a tremendous opportunity for the preservation of remarkable wild resources. In size, configuration, diversity of natural features there are few areas in Colorado or the Nation more worthy of wilderness preservation.

To provide this most complete preservation, the Colorado Conservationists have proposed a 260,000-acre Sangre de Cristo Wilderness. While we support much of S. 2032 proposed by Senator Hart, the conservationists propose small additions to the boundaries outlined in S. 2032. A number of small additions would result in the inclusion of the Rainbow Trails and suitable national forest lands below the trail.

The conservationists also propose additions of the spectacular scenery of the Venable Creek and Alvarado Creek drainages, and also the closure of the Medano Pass Road.

The Colorado Conservations feel the recommendations of the Reagan administration and S. 2916 proposed by Senator Armstrong disregard portions of the Sangres which are of high wilderness value. The following additions are necessary—Blanca Peak, Slide Mountain, as Mr. Scott has already mentioned; the Mosca Pass area south to the Huerfano River on the east side of the range; also on the east side, South Colony Lakes area. The closure of the road we feel would be very appropriate and would create a much more satisfactory wilderness boundary.

We support the inclusion of the Goodwin Lakes area and acreage generally from Texas Creek to South Brush Creek, North Colony Creek to Dry Creek along the east side of the range. There is no reason for the Brush Creek Lakes not to be included in the wilderness as has been proposed, and the upper portion of the Cloverdale Basin we find from personal experience also is quite acceptable.

About 5,000 acres in the north part of the range near Methodist Mountain also would be acceptable.

In the Greenhorn Mountain area, the Colorado Conservationists have proposed a Greenhorn Wilderness since that area was first identified as roadless in the RARE I process, so 13 years later we still strongly support its preservation as an approximately 26,000 acre wilderness.

In Spanish Peaks, critical in the consideration of this Spanish Peaks area is the question of its configuration if designated. Conservationists feel we have proposed the most definitive boundaries for the area while recognizing the presence of private inholdings. If the area is designated, we would encourage the Park Service—excuse me—the national forest to undertake an aggressive land acquisition program in this area, and finally, the Lost Creek further planning area, the area on which I cut my teeth so to speak in the wilderness business, the primary reasons for the conservationists 11,000-acre proposed addition to the Lost Creek Wilderness are to create the most representative boundaries while encompassing existing wild features not included in the existing wilderness in the 1980 bill.

Unlike the present boundry, our proposal has been drawn primarily on topographic lines, and this excludes also any significant impact of man.

The proposed addition to the Lost Creek Wilderness includes much of the botanically diverse, historically interesting Rock Creek drainage and the scenic Ben Tyler Trail which traverses it. The protection of this drainage also increases the preservation of the important wildlife habitat found there.

We urge your action on these matters, Senator, and thank you very much for the opportunity to testify.

[The prepared statement of Mr. Stansfield follows:]

TESTIMONY OF JOHN STANSFIELD, MONUMENT, COLORADO, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, SUBCOMMITTEE ON PUBLIC LANDS AND RESERVE WATERS, HEARINGS ON S.2032 AND S.2916, SEPTEMBER 13, 1984

Thank you, Mr. Chairman, and members of the Committee for this opportunity to testify. I am John Stansfield, of Monument, Colorado representing the 7,000 members of the Rocky Mountain Chapter of Sierra Club. The Rocky Mountain Chapter and its members are awaiting the outcome of these proceedings with great interest. I am proud to be able to speak for the Sierra Club and its longstanding tradition of active involvement in Wilderness matters.

By profession, I am a part-time wilderness outing leader and a full-time professional storyteller. Today, unfortunately, time will not allow the spinning of any yarns about the wilderness. So it's "just the facts, Senators, just the facts" -- and a few well-chosen opinions, as well.

In my fourteen years of experience, both personal and professional, with Colorado's wildlands, I feel I have developed an understanding of the resources at stake in these lands and a detailed knowledge of the area's under discussion here today. This is especially true of the Wilderness Study Areas near my home in the Pike/San Isabel National Forest (P/SI) and the Canon City District of the Bureau of Land Management (BLM). I have been deeply involved in a variety of public lands processes and issues through the years, including RARE I, RARE II, the BLM Wilderness Study Process and the 1980 Colorado Wilderness Bill. I have coordinated and helped conduct seven intensive Wilderness evaluation studies for our local Sierra Club Group. I have been a member of Citizens Advisory Committees for the P/SI N.F. (including the Sangre de Cristo Plan of the early seventies and the Forest Plan currently in progress) and for the Canon City District BLM (for which I have recently been renominated). I have served on the Wilderness Issues Committee of the Colorado Open Space Council for the past four years. During the past ten years, I have led volunteers from the Sierra Club (in cooperation with federal land management agencies) in conducting Wilderness clean-up, trail maintainence and construction, revegetation and road eradication projects. Five of these ten day trips have been in the P/SI National Forest.

I have come here today to strongly support the Colorado Conservationists recommendations for new Wilderness designations and additions totalling 1.2 million acres in 18 areas. More specifically, I have come to testify for those areas in S. 2032 or S. 2916 about which I have some knowledge and for the future of which I have much concern. These areas are the Sangre de Cristo, Greenhorn Mountain and Spanish Peaks Wilderness Study Areas and the Lost Creek Further Planning Area.

Sangre de Cristo Wilderness Study Area

Today, the Sangre de Cristo Wilderness Study Area (WSA) presents a tremendous opportunity for the preservation of remarkable wild resources. The Sangres are truly remarkable for their scenery, geology and the ecosystems they support; truly remarkable for their place in history, their wildlife and the primitive recreation opportunities they offer. In size, configuration, diversity of natural features, there are few areas in Colorado or the nation more worthy of wilderness preservation.

The challenge to preservation of the Sangres de Cristo Range we face is not one of selecting out only its most scenic features (the Sangres Greatest Hits of valley, vegetation or peak, so to speak); not one of dividing the area into zones of motorized and non-motorized uses as has been proposed; not one of avoiding future resource conflict at all cost to the detriment of present wildlands. The challenge to preservation of this outstanding area is to preserve it in its physical and ecological totality as Wilderness, with every suitable acre, mountain and blade of grass therein. Few areas provide such a fantastic opportunity.

To provide this most complete preservation, the Colorado Conservationists have proposed a 256,000 acre Sangre de Cristo Wilderness. The lion's share of our proposal can be found in S. 2032, proposed by Senator Hart. We strongly support this measure. S. 2032 is a carefully drawn piece of legislation. It's objective with which we wholeheartedly agree, is to protect the totality of wild values so evident in the Sangres.

The Conservationists propose but small additions to the boundaries outlined in S. 2032. These are on the east side of the Range. A number of small additions would result from inclusion of the Rainbow trails and suitable National Forest lands below (east) the trail. One benefit of this action would be elimination of the management problem inherent in having a trail open to highly mobile motorized vehicles running along fifty miles of the Wilderness boundary. Another benefit would be the addition of more Oak-Ponderosa Pine—White Fir-Douglas Fir habitat type and subsequent wildlife benefits. Conservationists also propose additions of the spectacular scenery of the Venable Creek and Alvarado Creek drainages (the Comanche-Venable loop) to the future Wilderness, along with the closure of the Medano Pass Road for the purpose of improving protection of the Bighorn Sheep whose habitat the road bisects.

The Colorado Conservationists feel that the recommendations of the Reagan Administration and S. 2916, proposed by Senator Armstrong, disregard portions of the Sangres which are of high wilderness value. The following additions are necessary and appropriate for a complete Sangre de Cristo Wilderness:

1) Huerfano Valley -- Blanca Peak -- Slide Mountain. The addition of the approximately 13,000 acres here adds tremendous diversity to the proposed wilderness. The spectacular 14,000 foot Blanca Peak and Lilly Lake, both of high recreational interest, are added. Recreational opportunity is expanded with the Ute, Heurfano and Strawberry Creek Trails. The very remote and protected area east of Strawberry Creek greatly diversifies the proposed wilderness by including a unique botanical display of alternating forests and meadows, rolling sagebrush prairies and mature aspen stands not found elsewhere in the Sangres.

Wilderness designation will not cause a burden of access to owners of patented mining lands near Blanca Peak who have been using a tracked vehicle not requiring a road. Oil and gas exploration in this addition can be completed with "no surface occupancy," as proposed by P/SI National Forest.

2) Mosca Pass south to Huerfano River. This addition of about 2,500 acres adds important deer and elk winter range near Carbonate Mountain. It enhances the topographic and ecologic wholeness of the area by protecting lands east of the Range crest.

3) South Colony Lakes. South Colony Lakes and its basin are another of the most spectacular portions of the entire Range, with its three 14,000 foot peaks ringing the Lakes. The recreation popularity of this area for hikers, climbers and fishermen is understandable. The presence of the rough road allowing vehicle access and encouraging the recreational overuse and abuse of the basin is historically understandable, perhaps, but unnecessary in the future. The closure of the road well below the basin and the Lakes (perhaps at the Rainbow Trail) along with proper recreation management (as evidenced in the equally heavily used Indian Peaks Wilderness of northern Colorado) would allow a more uniform Wilderness boundary and configuration and an improved environment for the South Colony drainage.

4) Goodwin Lakes. This drainage is topographically distinct, roadless and pristine. No motorized vehicles are presently allowed here. It makes sense to include this valley in the proposed Wilderness as indicated in S. 2032 and passed by the House of Representatives. This is true whether or not the Venable and Comanche drainages to the south are included, as well.

5) Texas Creek to South Brush Creek. There is simply no reason to exlude wildlands above the Rainbow Trail in this region from Wilderness protection. Though it is difficult to determine from Forest Service WSA documentation, it would seem they have an interest vegetative manipulation for wildlife purposes. Slopes are generally steep in this area (except north of Buttermilk Creek and south of Goat Creek in small areas) and soils seemingly fragile. Due to Forest boundary configuration, habitat type for winter range of big game species is largely outside the National Forest on private lands. No amount of habitat manipulation here can significantly change this situation.

6) North Colony Creek to Dry Creek. The considerations mentioned above are pertinent in this proposed addition of 2,500 acres. These beautiful and diverse lower elevation forests are a fine Wilderness attribute.

7) Brush Creek Lakes - Cloverdale Basin. There is no reason for Brush Creek Lakes not to be included in the proposed Wilderness. They are recreationally popular, in a wild condition and in need of preservation.

The presence of the maintained road (for water development and mining access) into lower Cloverdale Basin should not preclude the upper portion of the Basin from inclusion in the proposed Wilderness. Topographic features here are sufficient to provide for proper boundary deliniation. A recent trip into the Basin showed me pristine lands and interesting glacial geology worthy of preservation. Most importantly, this boundary, as proposed by S. 2032 and Conservationists, provides a much more acceptable overall configuration for the Wilderness than would be the case if the Basin were totally excluded.

8) Methodist Mountain. We support the addition of approximately 5,000 acres extending the proposed Wilderness north to the south slope of Fremont Peak. This addition has been proposed by Conservationists since RARE I.

9) Western Boundary. The Conservationists western boundary is generally coincidental with S. 2032 providing an addition of about 6,000 acres which enhances the ecologic diversity within the proposed Wilderness and regularizes the boundaries to the greatest extent possible.

Greenhorn Mountain

Colorado Conservationists have proposed a Greenhorn Wilderness since the area was first identified as roadless in the RARE I process. Thirteen years later, we still strongly support its preservation as an approximately 26,000 acre wilderness

Spanish Peaks

Critical in the consideration of the Spanish Peaks Wilderness Study Area is the question of its configuration if designated. Conservationists feel we have proposed the most definitive boundaries for the area, while still recognizing the presence of private inholdings. If the area is designated, we would encourage the Pike/San Isabel National Forest to undertake an agressive land acquisition program to protect the many wild qualities the Spainish Peaks area posses.

Lost Creek Further Planning Area

The primary reasons for the Conservationists 11,000 acre proposed addition to the Lost Creek Wilderness are to create the most representative boundary while encompassing existing wild features not included in the existing Wilderness. Unlike the present boundary, our proposal has been drawn primarily on topographic lines. This excludes any significant impacts of man.

The proposed addition includes much of the botantically diverse, historically interesting Rock Creek drainage and the scenic Ben Tyler Trail which traverses it. The protection of this drainage also increases the preservation of the important wildlife habitat found there.

Senator **Wallop**. Thank you, Mr. Stansfield.

Ms. Hayman.

STATEMENT OF DENISE HAYMAN, PRESIDENT, COLORADO OPEN SPACE COUNCIL, BOULDER, CO

Ms. **Hayman**. Thank you, Mr. Chairman. This is my first opportunity to testify, and I am just delighted. I am going to keep my remarks brief.

I am president of the Colorado Open Space Council. We are a statewide organization of 1,800 members and 45 organizations that are members.

I just want to share with you, and it is too bad Senator Armstrong has left, that we, too, put in a lot of time, a lot of volunteer hours, in compiling our Colorado wilderness proposal. I wish I could mention just a few names of the people who spent their weekends diligently walking trails, and miles, and miles, and compiling these facts, so I hope that you will take this seriously.

What I would like to say is that we feel our proposal is a decent compromise with grazing interests, mining and timber folks, and we hope that this bill will remain the Colorado wilderness bill and not the Colorado water bill, and to sum up how Coloradans feel about their wilderness areas, in an oil and gas lease hearing in 1982 an older handicapped woman got up and testified that she probably would never go in a wilderness area, but by God, she wanted to, it was there if she ever decided to. Thank you.

[The prepared statement of Ms. Hayman follows:]

STATEMENT OF DENISE HAYMAN, PRESIDENT OF THE COLORADO OPEN SPACE COUNCIL BEFORE THE SUBCOMMITTEE OF THE SENATE ENERGY & NATURAL RESOURCES COMMITTEE ON THE COLORADO WILDERNESS BILL, SEPTEMBER 18, 1984.

Good morning, Mr. Chairman and distinguished members of the committee. My name is Denise Hayman, from Boulder, Colorado. I am today representing the Colorado Open Space Council in testimony on S. 2032 and S. 2916. The Colorado Open Space Council is Colorado's statewide conservation coalition. Founded in 1965, the Colorado Open Space Council now includes 1800 individual members as well as more than 50 member groups with a cumulative membership in excess of 30,000 Coloradans. Colorado Open Space Council member groups include recreation, conservation, civic, and wildlife organizations form all corners of Colorado. The Colorado Open Space Council, along with The Wilderness Society, produced the 1983, now 1984, Colorado Wilderness Proposal with the able assistance of 26 other citizen groups including the San Juan Audubon Society in Durango, the Northwest Rivers Alliance in Steamboat Springs, the High Country Citizens Alliance in Crested Butte, Friends of the Sangres in Alamosa, and major statewide groups such as the Colorado Mountain Club and the Rocky Mountain Chapter of the Sierra Club.

The Colorado Open Space Council has provided a coordinating role for many years on wilderness issues in Colorado, first in the Forest Service Roadless Area Review and Evaluation II (RARE ((), in which hundreds of citizens participated by evaluating individual roadless areas, providing exhaustive and in-depth field studies on many magnificant Colorado roadless lands. These proposals were used by the Colorado Open Space Council in formulating the conservation community's position on the 1980 Colorado Wilderness Act, the first step to resolving the RARE II debate in Colorado. The 1980 Colorado Wilderness Act designated many of Colorado's most spectacular and popular roadless lands, while releasing other areas to uses that may be incompatible with wilderness values. The act found RARE II to be legally sufficient as well. Special attention was given to the problems of livestock operators in wilderness areas, and language included in the act to allow special access rights for ranchers holding allotment permits within wilderness.

The 1980 Colorado Wilderness Act designated 1.4 million acres of Forest Service lands as wilderness as compared to the 2.1 million acres recommended as suitable for wilderness by the Forest Service in RARE II. Many of the 700,000 acres recommended for, but not designated as, wilderness ended up in 10 Congressionally designated Wilderness Study Areas, one Geologic Study Area, and 6 Forest Service Further Planning Areas, for a total of 17 areas requiring further study to determine their wilderness suitability. Congress desired reports from the Secretary of Agriculture on these wilderness studies by December, 1983. That date has passed. The time is now ripe for Congress to conclude RARE II in Colorado, and to enact legislation wrapping up the loose ends of the 1980 Colorado Wilderness Act.

The Colorado Open Space Council has participated in each of the studies of the 17 additional study areas, providing input to the Forest Service and researching the potential resource conflicts within each area. The culmination of that research was the publication in April, 1983 of the Colorado Wilderness Proposal. This proposal addressed the 17 Forest Service additional study areas from the 1980 Colorado Wilderness Act, one wilderness study area identified in the Endangered American Wilderness Act of 1978, several Bureau of Land Management Wilderness Study Areas contiguous to Forest Service study areas or wilderness areas, and five high quality Forest Service roadless areas without any particular study status, but deserving of wilderness protection nonetheless.

The conservationists' Colorado Wilderness Proposal which encompasses 1.2 million acres in 24 areas is one of diversity, including areas of high alpine mountains with many 13,000 and 14,000 foot peaks, and low elevation, pristine forests currently under-represented within the National Wilderness Preservation System. It includes little known, remote areas and areas within a two-hour drive of the one and a half million inhabitants of the front range cities. It includes simple additions to existing wilderness, as well as large portions of entire mountain ranges. It includes both Bureau of Land Management and Forest Service areas. Finally, the proposal includes a unit with six 14,000 foot peaks, and one with the largest contiguous alpine tundra acreage south of Alaska.

Appreciation of wilderness values continues to grow in America. Wilderness, we are learning, is a resource that is not only compatible with the multiple use concept, but is also an integral part of modern multiple use management in our National Forests. In fact, wilderness designation can protect and enhance the utility of many resources.

Watershed protection is one such utilitarian value of wilderness. The conservationist proposal for municipal, agricultural, and recreational uses of water by its designation of such watersheds as Oh Be Joyful - the town of Crested Butte's secondary water supply, the upper Huerfano River Valley in the Sangre de Cristos, and the spectacular Piedra River drainage.

Colorado is famous for its wildlife resources. As Colorado continues to grow, and indeed it is growing at an astounding rate, greater pressure will be placed upon wildlife. Wilderness designation assures natural areas to insulate against these increasingly conflicting demands for the land. Critical habitat for big game species such as elk, deer, bighorn sheep and mountain goats is protected by the conservationist proposal, as are areas critical to the thriving of non-game species such as river otters, bald eagles, and native cutthroat trout.

The demand for wilderness recreation is growing at an ever increasing rate in Colorado. Wilderness recreation is increasing by 7% per year statewide, and the demand is expected to outstrip the existing wilderness acreage in the next 13 years (according to the Forest Service's Region 2 Regional Guide). In many forests, the problem will occur much sooner. On the Arapaho-Roosevelt National Forest, for example, demand will exceed existing wilderness capacity as soon as 1986. The conservationist proposal with its lush forests and towering peaks will greatly help meet this demand.

The scientific benefits of wilderness designation can be substantial. Wilderness designation assures protection for undisturbed climax ecosystems and creates refuges for native plant species, both of value to scientists. The conservationist proposal includes one area actively being studied to gauge the impacts of acid rain, and another area whose entymological life is the subject of continuing research by several universities.

Wilderness provides high quality forage not only for wildlife, but also for livestock. Wilderness can in many instances protect backcountry allotments from potentially disruptive activities. The grazing language of the 1980 Colorado Wilderness Act will assure the continued viability of livestock operations within wilderness.

The timber potential of those lands in the conservationist proposal is minimal. Many of the higher elevation areas contain no marketable timber, while lower elevation forests are often situated on steep or unstable soils. While some potentially productive forest lands will be withdrawn from the commercial forest base by wilderness designation, the amount is insignificant. The programmed harvest levels of every national forest in Colorado are far below their maximum sustainable yield. This means that any timber removed from production by wilderness designation will not be missed due to the availability of abundant timber outside of wilderness. An important fact to keep in mind is that while Colorado is a major supplier of wilderness to the nation, possessing only 3% of the nation's wilderness but providing 17% of wilderness use nationwide, the state supplies but one-third of one per cent of the nation's timber.

The mineral potential of areas in the conservationist proposal is limited. The vast majority of the areas have little or no mineral potential, according to recent US Geological Survey and Bureau of Mines studies of petroleum and hardrock mineral potential in wilderness. In those few areas with a probable mineral potential, the wilderness resource which would be irretrievably lost through mineral development greatly outweighs economic gains that might be foregone. In almost every case, these areas are far removed from producing mineral zones. The very fact of their non-development indicates they may be on the fringe of economic viability. The areas in the conservationist proposal represent the last few wilderness candidate areas in Colorado's national forests. The wilderness values of these areas are a proven, valuable, renewable resource. The opportunity for non-wilderness land uses will always remain.

The Colorado Open Space Council appreciates this opportunity to share our views with this committee and we hope you will seriously consider the proposal.

Senator WALLOP. Thank you, Ms. Hayman. I would just like to make the observation that I don't think it is necessary to distinguish between wilderness values and water values. I think you can accommodate both, and should, both from the standpoint that we have already testified to.

Ms. Fox, if section 7 is not necessary as you testified, why did the Sierra Club feel compelled to file this suit?

Ms. Fox. Good question, Mr. Chairman, a question I had predicted you might ask. Part of my testimony that ran over dealt with that question.

In Colorado, there is a statewide adjudication going on. There are seven different water districts, and the United States' proposed reserved right for all other types of Federal reservations, and those adjudications I think are ongoing I think at this point somewhere between 10 and 15 years.

The Sierra Club took a look at that and recognized the U.S. Government did not assert any reserved water rights for wilderness though they did for every other kind of Federal reservation, and we were concerned that this was——

Senator WALLOP. They did for the Forest Service.

Ms. Fox. To a limited extent, yes, sir, they did.

Senator WALLOP. What is the distinction that you draw between asserted right for the Forest Service and the asserted right for wilderness?

Ms. Fox. We think the values of wilderness are quite different from the national forest. As you know, the *New Mexico* decision decided that one of the primary purposes of national forests was perceived as reserved water rights, and those did not include the values of wilderness which are esthetic, recreational, scenic, cultural, and historical as well as a number of other values.

Senator WALLOP. You are asserting in that suit a greater right than exists.

Ms. Fox. I don't necessarily agree it is a greater right. I think it is a right to meet the purposes for that designation. It might be a misunderstanding.

Senator WALLOP. Well, you also in your testimony say that the Sierra Club maintains that the priority date would be the date of the establishment of the wilderness.

It was testified to earlier that was not that specific in that suit. Is it your desire to speak on behalf of the Sierra Club that that suit will be amended?

Ms. Fox. I am not the attorney in charge of that suit, so I cannot——

Senator **Wallop**. I mean you are testifying for the Sierra Club.

Ms. Fox. Yes, I am.

Senator **Wallop**. The assertion is that it would be the date of establishment and not some earlier date.

Ms. Fox. Right; that is true, Senator, and we stand by that. While we accept that in our complaint, we are not intending to pull a fast one so to speak.

Senator **Wallop**. Also in your testimony you said that there was no known possibility of diversion of water above Colorado's wilderness areas, but a review of those wilderness areas shows that in 21 out of the 27 of them there are possible water diversions from private lands above or within them, so apparently there is real reason for the concern that has been expressed here.

Ms. Fox. Well, if they are senior in time to the designation, Senator, there still is no problem. As I testified, the system of prior appropriation takes care of any senior water right holder, whether they be in the wilderness or outside of it.

Senator **Wallop**. I don't think the water law would agree with that assessment.

Ms. Fox. We probably shouldn't debate that here.

Senator **Wallop**. I am sure it will be debated for us. I thank you all for your testimony.

Ms. Fox. Thank you, Senator.

Senator **Wallop**. Next is a panel consisting of Mr. Dave Delcour of Amax; Larry McDaniel of Atlantic Richfield; Mary Ann Nichols of the Noranda Exploration, Inc.; Stanley Dempsey, chairman of the public lands committee, Colorado Mining Association; John Wells, Minerals Exploration Coalition; and Courtland Lee, consulting geologist of the Minerals Exploration Coalition.

Again, I would ask you please to indulge us in light of the fact that we still have many miles to go, and hours.

Mr. Delcour.

STATEMENT OF DAVID W. DELCOUR, VICE PRESIDENT, ALLOYS DIVISION, AMAX, INC.

Mr. **Delcour**. Thank you, Mr. Chairman. My name is David Delcour of Denver, CO. I am a vice president of the alloys division of Amax, Inc.

My written statement which I urge you to consider details the policy and boundary questions which time requires me to treat only superficially this morning.

Starting with policy, Amax first urges any wilderness legislation passed this year be in the form of amendment to the 1980 Colorado Wilderness Act and that way former compromises with respect to such things as release and buffer zones need not be redebated.

Second, we regret that the Sierra Club lawsuit has imposed a complicated Federal reserved water rights debate on this wilderness issue.

Since it has, however, it is important that any notion of mere wilderness designation creating additional Federal reservation be renounced with language like that for S. 2916. With 18 percent of national forest lands in Colorado already in wilderness, this matter needs resolution before more wilderness is designated, and without protracted litigation.

Finally, Mr. Chairman, we must strenuously object to the bizarre nonwilderness, non-multiple-use land classification applied to portions of the Williams Fork Area in H.R. 5426. Where lands are unsuitable for wilderness as they are in this case through the mineral and water development potential, they should be managed pursuant to the Nation's public land laws without a congressional usurpation of the professional land manager's job.

Turning now to boundaries, I will discuss the Williams Fork, St. Louis Peak, and Vasquez Peak areas together both in the interest of time and because when taken together, the three roadless areas practically render Amax Henderson mining mill an industrial island in a sea of wilderness.

Mining and milling operations are dynamic. Over the 40 years or longer life of the mine, changes in process and operation occur constantly in response to economic and technological developments. These changes require new permits and permit amendments, the issuance of which can be inordinately complicated or rendered infeasible if adjacent wilderness values must be protected.

The three areas, aside from surrounding existing operations, are in a highly mineralized zone, a factor contributing to the Forest Service's nonwilderness recommendation for the Williams Fork and St. Louis Peak.

Amax holds claims in Williams Fork which were considered to have high potential, and on the edge of Vasquez. These areas should remain open to mineral exploration.

Finally, a word on Oh-Be-Joyful of which you heard a few moments ago. Evidence against designation is so lopsided that I will only quickly recite the most critical factors. Amax, the U.S. Energy Corporation, and Ruby Mining Co. all hold active mining claims in the area.

The area is covered with nearly 100 evidences of mineral exploration activity, including the fact that USGS and the Bureau of Mines have identified the area as high in mineral potential.

There recently have been oil leases in the area, although they no longer are active.

The area is valuable for grazing.

The area has a well-used, four-wheel drive road.

Three administrations together with any number of Forest Service Chiefs, regional foresters, forest supervisors, and district rangers, have repeatedly found the area unsuitable for wilderness.

And maybe most importantly, the Gunnison County commissioners oppose designation, and they are the unit of local government in which this area lies.

Now while the tenacity of the handful of Oh-Be-Joyful Wilderness proponents is impressive, the case against designation is overwhelming.

Mr. Chairman, that concludes my summary, and I will be happy to entertain questions following presentations by the rest of the panel.

I have also been asked by Mr. Dempsey who you announced but who is not here, to submit his statement for the record, and that has been provided to the committee staff.

[The prepared statements of Mr. Delcour and Mr. Dempsey follow:]

TESTIMONY OF

DAVID W. DELCOUR
AMAX INC.

ON

1984 COLORADO WILDERNESS BILLS,
S. 2032, S. 2916, H.R. 5426

BEFORE

PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

SEPTEMBER 18, 1984

Mr. Chairman and Members of the Subcommittee, my name is David Delcour. I am Vice President of the AMAX Alloys Division of AMAX Inc.

AMAX Inc. is a diversified mining and energy company with operations worldwide. The company explores for, mines and sells a wide variety of minerals and metals. AMAX's principal products are molybdenum, coal, lead, zinc, copper, iron ore, petroleum and natural gas, potash, phosphates, nickel, cobalt, tungsten, silver, gold and magnesium.

AMAX operates two major molybdenum mines in Colorado and explores for minerals throughout the public lands of the western United States.

Our testimony addresses our general concerns with S. 2032, Senator Hart's wilderness bill; H.R. 5426, the House-passed bill; and S. 2916, Senator Armstrong's bill. We will also provide specific data on seven proposed areas that we believe should not be included in the Wilderness Preservation System.

GENERAL CONCERNS

Mineralized Areas

AMAX's major concern with S. 2032, H.R. 5426 and, to a lesser extent, S. 2916, is the amount of highly mineralized land being proposed for wilderness designation. Since the 1964 Wilderness Act withdraws all wilderness lands from mineral entry, any new wilderness additions automatically prevent the industry from gaining any further knowledge of mineral potential in wilderness areas. With the introduction of these wilderness bills, our concern is heightened because of the amount of existing wilderness acreage in Colorado that already covers a large portion of Colorado's mineralized areas.

In 1980, Congress increased Colorado's wilderness acreage to almost 2.6 million acres, much of which lies in the 3 million acre Colorado Mineral Belt. This belt is one of the richest mineral regions in the world and extends from the northcentral portion of Colorado in a diagonal sweep down to the southwestern corner of the State. To date, approximately 600,000 acres of wilderness exist within this mineral rich belt in Colorado and these bills propose to include as much as 200,000 more acres. If enacted, almost 27 percent of the mineral belt will be withdrawn from any mineral exploration.

At a time when metal prices are low and, thus, exploration activities have had to be curtailed, it is dangerous to assume that "less exploration" means there is little promise of finding future deposits in some of these proposed areas. In fact, quite the contrary. Both U. S. Geological Survey and industry data show that many wilderness and proposed wilderness areas located in the Colorado Mineral Belt hold great potential for mineral discoveries. Metal demand and prices must increase, however, before the incentive returns for extensive exploration to occur. In the meantime, Congress should seriously weigh the mineral potential of these areas and not eliminate them from continued exploration simply because no claims or property positions are present today.

We urge Congress not to lose site of the fact that exploration is essential on all of our public lands if we are to meet our national requirement for minerals and not be vulnerable to unstable developing countries for our mineral supplies. Unfortunately, almost none of the existing wilderness areas in Colprado or proposed wilderness areas in these bills have been thoroughly tested by modern exploration techniques. Moreover, some of these areas may be explored and rejected but later become the target of new exploration as mineral demands change. In order to meet this demand, it takes years of exploration to locate and define orebodies before a development decision can be made. Consequently, long periods of time are needed to explore and locate minerals and lands need to be constantly reassessed as to their mineral value.

An example of an old mining area being reconsidered is the AMAX Mt. Emmons molybdenum discovery. The fifth largest in the world, this orebody was discovered after about 100 years of mining activity at the nearby Keystone Mine and seven years of modern technological drilling by several companies in the area.

The Henderson deposit, now one of our two operating Colorado molybdenum mines, was discovered after new geologic modeling breakthroughs indicated that certain kinds of mineral deposits piggyback each other at extreme depths and were combined with drilling advances which made deep exploration holes possible. No matter how carefully an area may be explored today, that evaluation needs to be revised as new exploration techniques provide new resource information. For these basic reasons, the fact that less exploration activity may be occurring and that lands need to be continually explored, AMAX is concerned with the increasing amount of acreage being withdrawn from mineral activity due to wilderness designations.

A second general concern we have deals with a provision included in H.R. 5426. I am referring to the precedent-setting language establishing "de facto" wilderness in the Williams Fork Further Planning Area. The House bill requires the Forest Service to manage the area to maintain its presently existing wilderness character even though the area will not be designated wilderness. However, development of water resources in the area is expressly authorized regardless of the effect on the wilderness character. The proposal basically establishes a de facto pre-1984 wilderness area where mineral exploration can occur albeit with little incentive and then only on a restricted scale. In contrast, water development can proceed without wilderness management restrictions. It is AMAX's view that this proposal is unfair to other users in the area and establishes an unfortunate precedent. The area in question has been studied and restudied. The Forest Service has recommended against wilderness designation. Creation of a Further Planning Area, managed neither as wilderness nor for multiple use, only will invite disputes and unnecessarily complicate the Forest Service's management responsibilities. We strongly recommend that the Williams Fork area remain open to multiple use management and that Congress not open the door for "de facto wilderness" categories to be established.

Third, AMAX believes it is important that any new wilderness areas in Colorado be designated by amending the 1980 Colorado Wilderness Act. The 1980 Act contains important management provisions that should be retained and applied to new wilderness designations. Section 107(a) and (b) should remain in effect although some minor revisions may be necessary to conform the 1980 "release" language to the release compromise language now being used.

Section 110 is especially important in order to continue the protection of "buffer zone" language to all wilderness areas in Colorado.

Other provisions that should be retained in order to make the management of wilderness areas consistent between the 1980 designated wilderness and wilderness study areas are Sections 106, 108 and 109. These are important if the 1984 Act does not specifically address these areas.

Finally, we believe the water rights language found in S. 2916 is an affirmation of the State's jurisdiction over water allocations on all wilderness lands in Colorado. We suggest that States' rights may be further clarified by adding the following sentence, "The United States shall acquire additional water rights for wilderness purposes in accordance with Colorado law." Those who complain there is no time to resolve this issue in the current

Congress ought to be reminded that the need for action was forced by the litigation they commenced. With 18 percent of Colorado's National Forest lands already in the Wilderness System, resolution of the water rights question ought to be a precondition to further designations.

SPECIFIC CONCERNS WITH PROPOSED WILDERNESS AREAS

We will address seven proposed areas that do not warrant wilderness designation. Since each of these areas has been proposed as wilderness in at least one of the bills under consideration, we will address them by area without regard to the

1. Vasquez Peak Wilderness Study Area, St. Louis Peak and Williams Fork Further Planning Areas

It is important to consider the Vasquez Peak, St. Louis Peak and Williams Fork areas in tandum when considering the mineral potential of each. They all lie within the same geologic portion of the Colorado Mineral Belt, the Silver Plume Trend which holds the orebodies for AMAX's Henderson and Urad molybdenum mines. This trend runs through the eastern portions of all three areas allowing for similar molybdenum-base mineral potential to exist in each area. Because of this very mineralized geologic trend, AMAX is presently exploring in both the Williams Fork and Vasquez Peak areas and holds mineral claims in portions of both.

(1) The potential for a similar type orebody as those found at the Urad and Henderson Mines is relatively high. Logic dictates that similar orebodies are more likely to occur close to each other given the history of the geologic formation. In fact, an old exploration axiom claims that the best place to look for a new deposit is near an old deposit. Given the mineral trends in this

area, it is more probable that mineral deposits will occur in this same area than in other, less developed areas of the Mineral Belt.

AMAX presently holds 164 claims in the Williams Fork Further Planning Area, 160 in the northcentral portion and an additional four claims adjacent to the head of South Williams Fork Creek. Another claim block sits just east of the Williams Fork Further Planning Area and on the eastern side of the Vasquez Peak area. AMAX has and is continuing to assess the mineral potential in all of these areas.

(2) The proximity of these three areas to the Henderson and Urad orebodies is significant for several reasons. To place wilderness boundaries within one mile of the existing Henderson Mine and Mill not only potentially frustrates existing operations but would more than likely prevent any future expansion or development of an adjacent orebody. Future development of an orebody near Henderson would be very attractive since existing facilities are already in place helping to defray the high costs associated with mine development. But even limited expansion and especially any further development would be impossible if the three areas are included in wilderness. As it is, AMAX constructed the Henderson Mill 15 miles from the mine site. Trains tunneling under the Continental Divide transfer the ore from the mine to the mill. The narrow haulage tunnel corridor, where a shaft is located on the surface, would be the only strip of land left out of wilderness. The three proposed areas, St. Louis Peak, Vasquez Peak and Williams Fork, would almost completely surround the existing mine and mill sites.

It should also be noted that a road, while not open to the public, extends from Steelman Creek west to the Middle Fork of the Williams Fork cutting through the heart of the northern portion of the Further Planning Area. Many old mine workings and exploration activities are also present within the wilderness area.

As noted earlier, AMAX finds the designation of "de facto" wilderness management provision in H.R. 5426 for the Williams Fork area inconsistent with the intent of the Wilderness Act, a confusing management directive for the Forest Service and an unfair provision for the varied multiple interests using the area.

By allowing a major water development project to occur within the heart of the area, the only remaining wilderness, for all practical purposes, is a half moon of wilderness that serves only as a vista to view Interstate 70 and Colorado Highway 9 to the west. We strongly urge Congress to not establish such a precedent and, in keeping with the Forest Service recommendation, not designate the Williams Fork Further Planning Area as wilderness.

2. Oh-Be-Joyful

AMAX agrees with the position of the Gunnison County Commissioners that Oh-Be-Joyful not be designated wilderness and supports the release of the Oh-Be-Joyful Wilderness Study Area. The Oh-Be-Joyful drainage has been extensively studied under the Forest Service's Roadless Area Review and Evaluation (RARE I and II) in order to determine both its wilderness and mineral potential. Both the Forest Service and the Carter Administration recommended that the area not be designated wilderness after the second Roadless Area Review.

Even though the Colorado delegation initially chose not to propose the area as wilderness in the various Colorado wilderness bills introduced in 1979, the 1980 Colorado Wilderness Act ultimately directed the Forest Service to again study the 5,500 acre area to determine (1) its "suitability" or "insuitability" for wilderness, (2) to "review earlier Administrations' recommendations," and (3) to provide additional minerals information on the Oh-Be-Joyful drainage. In 1981, the Forest Service Draft Environmental Impact Statement confirmed its original conclusion that the area was not suitable for wilderness designation. The final Administration report has not been issued.

After extensive public comment and review, the Forest Service based its nonwilderness recommendation on two factors: (1) that there is no need for further wilderness in the vicinity and (2) that substantial mineralization exists in the area. The Forest Service states that over 463,000 acres of wilderness exist near the study area. In fact, the Forest Service suggests that placing Oh-Be-Joyful in wilderness decreases the possibility for broader recreational opportunities in the area. Under the East River Management Plan, which was the management direction before the 1980 Act passed, Oh-Be-Joyful was classified for primitive, nonmotorized recreation. However, the four-wheel drive road that penetrates the area would be open for recreational vehicle use.

With respect to mineral potential, the Forest Service has concluded that the high "mineral values in Oh-Be-Joyful and the inability to determine the specific mineral potential with wilderness designation" makes the area unsuitable for designation.

In conjunction with the Roadless Area Reviews and at the direction of Congress, the U. S. Geological Survey and the

Bureau of Mines evaluated the area's mineral potential in 1976, 1980 and in 1982. A consolidated report of their findings can be found in the recently published U. S. 1300 Mineral Survey Series.

The report shows that high potential for numerous types of mineral deposits exists. Surface exposures of silver-lead-zinc veins are evidenced throughout the area, indicating very probable potential for a silver, lead and zinc resource. Sediments from Peeler Basin show copper and manganese mineralization and numerous precious metal occurrences exist in the southern region. High potential also exists for molybdenum, which is associated with the silver, gold and zinc occurrences. Of major significance, and a prime factor in the attractiveness of the area for further exploration, is the Mt. Emmons molybdenum deposit and the Redwell Basin Deposit which are adjacent and within one mile of the study area boundaries. AMAX discovered the Mt. Emmons molybdenum deposit in 1977 as a result of exploration activities in the old Keystone lead-zinc-silver mine. This deposit, located 1800 feet underground, contains nearly 150 million tons of .43 percent molybdenum disulfide and is one of the largest molybdenum orebodies in the United States. Given favorable market conditions, the Mt. Emmons deposit could be mined, creating a major economic boost for the local area.

The location of the Mt. Emmons mineral deposit within one mile of the potential wilderness boundary of Oh-Be-Joyful is significant for two reasons:

(1) Future development of the Mt. Emmons deposit could be limited. In order to develop a mine site, acreage is needed around deposits to construct the surface structures, such as a mill, storage houses, vent shafts and personnel buildings. A large surface area is necessary for waste rock, tailings, wastewater and storage

reservoirs. The more flexibility in locating such facilities, the more accommodation can be made to such legitimate concerns as air quality and ground and surface water quality.

(2) The Mt. Emmons orebody is related to the same granite intrusive that underlies Redwell Basin to the south of the Oh-Be-Joyful drainage. This mineral trend, which extends from the southern end of the study area into the upper drainage, has extremely high potential for buried intrusives and, thus, molybdenum. The Bureau of Mines suggests the likelihood of smaller, similar deposits under the Oh-Be-Joyful drainage. Wilderness designation would curtail any further development of the Redwell Basin or potential Oh-Be-Joyful deposits.

Given the highly mineralized nature of this area, AMAX and others hold patented and numerous unpatented claims in Oh-Be-Joyful. AMAX has explored the mineral potential in the southern end of Oh-Be-Joyful and has drilled just south of the study boundary, north of the creek. To date, AMAX has not drilled within the study area but indications are that considerable drilling may be necessary in the Oh-Be-Joyful drainage in order to determine the existence of a mineral deposit.

In addition to the substantial evidence of metals present in Oh-Be-Joyful, the Bureau of Mines and the U. S. Geological Survey report that the potential for oil and gas, coal and uranium are also present. Almost one-half of the study area is underlaid with numerous coal beds; extensions of the coal fields mined in and around Crested Butte since the late 1800's. As late as 1981, oil and gas leases covered the major portion of Oh-Be-Joyful and drilling proceeded in 1981 within the study boundaries. Finally, the government's National Uranium Resource Evaluation geologists have reported that five uranium anomalies are within the Oh-Be-Joyful drainage; two in Democrat Basin, two in Peeler Basin and one northwest of Blue Lake.

In summary, U. S. Geological Survey and Bureau of Mines studies have concluded that substantial mineralization exists in Oh-Be-Joyful -- enough to make it a serious prospect for the location of a major mineral deposit. The studies indicate, however, that further exploration is necessary in order to determine that potential. The presence of a 4-wheel drive road through the heart of the proposed area, grazing allotments, past oil and gas interests and numerous mining claims, all within the drainage, make it unwarranted for wilderness designation.

3. South San Juan Wilderness Study Area

Another wilderness study area of concern to AMAX is the South San Juan Study Area which encompasses AMAX's Quartz Creek claim block. Core drilling as recently as 1983 has encountered significant porphry-style molybdenum-copper mineralization which needs to be explored more thoroughly in the future. Wilderness designation of this area would prevent future exploration in what is considered a very promising mineralized area.

4. Spanish Peaks & Fossil Ridge Wilderness Study Areas

The other two areas that should not be placed in wilderness are the Spanish Peaks Area and the Fossil Ridge Area. Spanish Peaks contains patented mining claims and appears to have good gold mineralization. The Fossil Ridge Area has been actively explored by numerous companies including AMAX. Interest in the area has ranged from uranium to molybdenum and gold. Past and present mining activity make Fossil Ridge unsuitable for wilderness designation.

AMAX also endorses the recommendations of the Mineral Exploration Coalition and the Colorado Mining Association which detail the known mineralization of the above areas as well as the majority of the areas being recommended as wilderness in several of the bills. Fossil Ridge, Spanish Peaks, Buffalo Peaks and portions of the Sangre de Cristo all have favorable potential for further mineral exploration -- exploration that could not occur under wilderness status.

We appreciate the opportunity to present our general concerns with S. 2032, H.R. 5426, S. 2916 and our views on the specific areas we believe should not be included in this round of Colorado wilderness designations.

FROM THE DESK OF
Stanley Dempsey

STATEMENT
of the
COLORADO MINING ASSOCIATION
before the
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
of the
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
September 18, 1984

This statement is submitted on behalf of the Colorado Mining Association. It is directed toward the various legislative proposals for creation of additional wilderness areas in the State of Colorado which are now pending in Congress.

The Colorado Mining Association is a trade association with membership composed of: (a) companies that explore for, produce and refine metals, coal, oil shale, and industrial minerals; (b) companies that manufacture and distribute mining and mineral processing equipment and supplies; (c) commercial banks and other industries servicing the mining industry; and (d) individuals engaged in the various phases of the mineral industry.

Our comments reflect the view of the Colorado Mining Association that is imperative to the economic well being of our domestic mineral industrial industry and national security that those exploring for minerals be allowed access to the nation's public lands. Many of the areas included in the various bills are already the focus of significant mining activity, including new exploration projects and past mineral discoveries.

Although the Colorado Wilderness Act of 1980 required that several areas be studied for wilderness suitability, we understand that the federal land management agencies have not completed their analysis. Despite the unavailability of agency reports, we understand that creation of new wilderness areas may take place yet this year. We strongly object to this rush to judgment before the facts are in.

Trained professionals within the BLM and the Forest Service have spent many months obtaining the kind of data that is required for proper analysis of the areas included in the various bills, and have been working closely with members of the public to make sure that all inputs are received. The mining industry has contributed positively to this process, devoting many hours of effort to providing detailed geological information to the agencies, and making available proprietary information for use in the public interest. Now it appears that election year pressures are dictating decisions before the land managing agencies can finish their work and make their recommendations. Such action seriously undermines the credibility of the process and must necessarily demoralize the people in the agencies and bring the process into disrepute with the public.

The Colorado Mining Association respectfully requests that you defer action on all of the bills now pending in Congress until after the election, and until after the land managing agencies complete their work. We also urge that field hearings be held on wilderness proposals, giving local citizens an opportunity to participate in the process, and making it possible for members of the Subcommittee to see how their actions will effect the lands in question and local communities.

If legislation is enacted this year, it should include the release language of S.2916, and it should be made clear that buffer zones are not intended.

All of the proposals include areas of known mineral potential that should be deleted. Precluding exploration in such areas is like locking up a library for fear someone might learn something new, something that might disrupt the conventional wisdom. We urge that this mindless adherence to single use management concepts be rejected.

In summary, it is our hope that action on the pending legislation will be postponed until the federal land management agencies have completed their analysis and the public has had a chance to comment on the full studies.

This will ensure that the public's concern for our nation's economic well-being and security are addressed in the fullest manner. These are not concerns that should be disregarded lightly in designating areas for absolute and unrelenting non-usage.

Senator WALLOP. Thank you, Mr. Delcour.
Mr. McDaniel.

STATEMENT OF LARRY McDANIEL, ARCO EXPLORATION CO.

Mr. McDANIEL. My name is Larry McDaniel. I work for the Arco Exploration Co., an operating company of Atlantic Richfield Co.

Atlantic Richfield Co. is not opposed to the concept of wilderness. On the contrary, we recognize that wilderness lands are an important part of our national heritage.

We do not believe, however, that the lands containing energy and mineral resource potential should be designated as wilderness. It is imperative that priority consideration be given to exploration in these areas which contain potential for energy and mineral resource reserves before a long-term decision such as wilderness is made.

Atlantic Richfield believes areas should be explored for their energy and mineral potential prior to permanent placement in a highly restrictive single-use management prescription such as wilderness.

Taking into consideration the vast acreage already included in the wilderness system in Colorado, we believe that further wilderness designations must be made with extreme care. As a result, energy and mineral potential must be taken into consideration.

One area of particular concern is the Sangre de Cristo proposed wilderness area located in the San Isabel and Rio Grande National Forest. We are opposed to the boundaries proposed in Senator Hart's version of the Colorado Wilderness Act. It must be pointed out that all the Colorado legislation introduced prior to the introduction of Senator Armstrong's legislation has expanded on the Forest Service's original boundary recommendation.

Atlantic Richfield Co. currently holds oil and gas leases in the southern portion of the Sangre de Cristo Range as well as 57,000 acres of lease applications along the eastern flank of the range. In an effort to avoid conflict and ensure lease issuance, these lease applications were filed using Forest Service proposed wilderness boundary as specified in the draft EIS and forest plan.

Nevertheless, these lease applications remain an issue. Atlantic Richfield has made a concerted effort to minimize any conflict with the Forest Service's wilderness recommendation. However, our lease block is included in the proposal of Senator Gary Hart. In addition, this proposal extends the boundary recommended by the

Forest Service to include approximately 85 percent of our lease applications.

The legislation passed by the House of Representatives does not impact our interest. Excuse me. It does impact our interest, though not as heavily, in that some portions of our lease applications have been excluded. However, due to the oil and gas potential of the area, we support the boundary proposed by Senator Armstrong since it excludes a major portion of our interests by following the Forest Service's recommendation.

Arco Exploration's proprietary seismic information when seen together with information from Sheep Mountain wells and other wells in the area and tied to surface geologic mapping, indicate major thrusting in this area. Because hydrocarbon source rocks exist in this area, this thrusting may have created structural traps which could contain oil and gas. Based upon this information, it is our belief that the eastern portion of the Sangre de Cristo Range has significant potential for oil and gas reserves.

One other point we would like to make is that Senator Armstrong's proposal is at this juncture an amendment to the 1980 Colorado Wilderness Act. The Colorado Wilderness Act already includes language which would prohibit the inclusion of buffer zones around wilderness areas once they are designated. Should Senator Armstrong decide that his proposal would better suffice as a new Colorado Wilderness Act, we strongly urge the inclusion of such language in any new legislation.

In conclusion, we support Senator Armstrong's intent in his legislation that the boundary of the proposed Sangre de Cristo Wilderness Area be kept in line with that proposed by the Forest Service. Arco Exploration believes that the geologic favorability for oil and gas extends well into the Sangre de Cristo Range. Our land position would have been greatly expanded had the area not been under wilderness consideration.

Therefore, our lease applications represent a compromise position in itself. Should we be compromised further, the viability of this play would be lost. We believe that Senator Armstrong's boundary will provide adequate wilderness while allowing further exploration and possible development of much needed domestic supplies of oil and gas as well as for allowing other multiple uses to take place.

We do appreciate the opportunity to present this testimony.

[The prepared statement of Mr. McDaniel follows:]

STATEMENT

OF

LARRY MCDANIEL

OF THE

ARCO EXPLORATION COMPANY

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS & RESERVED WATER

WASHINGTON, D. C.

SEPTEMBER 18, 1984

TESTIMONY ON COLORADO WILDERNESS

My name is Larry McDaniel. I work for ARCO Exploration Company, an operating company of Atlantic Richfield Company. Atlantic Richfield is primarily a domestic producer of oil and gas and minerals. Therefore, we are very concerned with the management of our nation's public lands. We believe it is essential for Congress to decide on a Colorado wilderness bill which will provide a balance of multiple uses. Atlantic Richfield Company is not opposed to the concept of wilderness. On the contrary, we recognize that wilderness lands are an important part of our national heritage. We do not believe, however, that lands containing energy and mineral resource potential should be designated as wilderness. It is imperative that priority consideration be given to exploration in those areas which contain potential for energy and mineral reserves before a long-term decision, such as wilderness is made. Atlantic Richfield believes that areas should be explored for their energy and mineral potential prior to permanent placement in a highly restrictive single-use management prescription, such as, wilderness.

As a result of previously enacted legislation, Colorado already has over 2.6 million acres of wilderness. Another 500 thousand acres were designated wilderness study areas in 1980 via the Colorado Wilderness Act. An additional 170 thousand acres are allocated to further planning by the RARE II process. Furthermore, BLM is currently conducting a wilderness study in Colorado which involves approximately 800 thousand acres on which Congress will be making additional wilderness designations in the future. Taking into consideration the vast acreage already included in the Wilderness System in Colorado, we believe that further wilderness designations must be made with extreme care. As a result, energy and mineral potential must be given careful consideration during deliberations as to which areas should be added to the Wilderness System.

One area of particular concern is the Sangre de Cristo proposed wilderness area located in the San Isabel and Rio Grande National Forests. We are opposed to the boundaries proposed in Senator Hart's version of the Colorado Wilderness Act. It must be pointed out that all of the Colorado legislation introduced prior to the introduction of Senator Armstrong's legislation has expanded on the Forest Service's original boundary recommendation for the Sangre de Cristo wilderness. Atlantic Richfield Company currently holds oil and gas leases in the southern portion of the Sangre de Cristo Range as well as 57,000 acres of lease applications along the eastern flank of the range. In an effort to avoid a conflict and insure lease issuance (as provided for in the 1980 Colorado Wilderness Act), these lease applications were filed using the Forest Service's proposed wilderness boundary as specified in the Draft Environmental Impact Statement and Proposed Land and Resource Management Plan for the Forest. Nevertheless, these lease applications remain unissued. Atlantic Richfield made a concerted effort to minimize any conflicts with the Forest Service's wilderness recommendation. However, our lease block is included in the proposal of Senator Gary Hart. In addition, this proposal extends the boundary recommended by the Forest Service to include approximately 85 percent of our lease applications. The legislation passed by the House of Representatives does impact our interests, though not as heavily, in that some portions of our lease applications are excluded. However, due to the oil and gas potential of the area, we support the boundary proposed by Senator Armstrong since it excludes a major portion of our interests by following the Forest Service's recommendations.

ARCO Exploration's proprietary seismic information, when seen together with information from Sheep Mountain wells and other wells in this area, and tied to surface geologic mapping, indicate major thrusting in this area. Because hydrocarbon source rocks exist in the area, this thrusting may have caused structural traps which could contain oil and gas. Based upon this information, it is our belief that the eastern portion of the Sangre de Cristo Range has significant potential for oil and gas reserves.

Atlantic Richfield is not alone in this belief. As a result of information supplied to the Forest Service's Rocky Mountain Region, their mineral evaluation for the eastern flank of the Sangre de Cristo Range from Slide Mountain north to above Hillside has been upgraded from no potential for oil and gas to medium potential.

One other point we would like to make is that Senator Armstrong's proposal is, at this juncture, an amendment to the 1980 Colorado Wilderness Act. The Colorado Wilderness Act already includes language which would prohibit the inclusion of buffer zones around wilderness areas once they are designated. Should Senator Armstrong decide that his proposal would better suffice as a new Colorado Wilderness Act, we strongly urge the inclusion of such buffer language in any new legislation.

In conclusion, we support Senator Armstrong's intent in his legislation that the boundary of the proposed Sangre de Cristo wilderness area be kept in line with that proposed by the Forest

Service. ARCO Exploration believes that the geologic favorability for oil and gas extends well into the Sangre de Cristo Range. Our land position would have been greatly expanded had the area not been under wilderness consideration. Therefore, our lease applications represent a compromise position in itself. Should we be compromised further, the viability of this play would be lost. We believe that Senator Armstrong's boundary will provide adequate wilderness, while allowing further exploration and possible development of much needed domestic supplies of oil and gas, as well as allowing for other multiple uses to take place.

We appreciate this opportunity to present our testimony to the Subcommittee. I will be happy to answer any questions you may have.

Senator **Wallop**. Thank you, Mr. McDaniel.
Ms. Nichols.

STATEMENT OF MARY ANN NICHOLS, MANAGER OF GOVERNMENT AFFAIRS, NORANDA EXPLORATION, INC., ON BEHALF OF THE AMERICAN MINING CONGRESS

Ms. **Nichols**. Thank you, Mr. Chairman. My name is Mary Ann Nichols. I am manager of government affairs for Noranda Exploration in Denver, CO. I am a member of the American Mining Congress Public Lands Committee, and am testifying today on behalf of the American Mining Congress.

We would regretfully take issue with the authors of the bills in question because we do not believe that the time is ripe for consideration of a second round of statewide wilderness in Colorado, nor do we think that many of the proposed areas should be made wilderness because of the high resource values present therein.

In general, the areas with little conflict and low resource values in Colorado were added to the National Wilderness Preservation System in the Colorado Wilderness Act of 1980. The areas now under consideration were not added at that time because either conflicts existed or there was a need for further resource data and information. These areas, most of which fall in the Colorado mineral belt, have not been thoroughly studied or the results released.

Initial actions have not been completed at this time on the first round of recommendations for six of the conterminous Western public lands States. Emphasis and energies should be expended on RARE II bills in those States rather than starting on a second round in States such as Colorado where initial resolution has been reached.

The release of Fossil Ridge, South San Juan Expansion, Spanish Peaks, Williams Fork, St. Louis Peak, and Oh-Be-Joyful as provided in Senator Armstrong's bill S. 2916 is absolutely necessary from the mining community's point of view. The reduction in size of the Buffalo Peaks Area as recognized in S. 2916 recognizes the mineral values along the western, northern, and eastern edges of the study area.

The Piedra proposal should be limited to the study of land and not include those lands released under the Colorado Wilderness Act of 1980.

The Sangre de Cristo proposal, as Mr. McDaniel has just pointed out, will be difficult to manage inasmuch as there are approximately 100 patented mining claims within the wilderness study area and approximately 24 square miles of unpatented mining claims as of 1982.

However, the Senate bill S. 2916 does propose an elimination of a large block of patented mining claims that were included in Senator Hart's version, S. 2032.

The West Needles unit should conform to the boundary of the Forest Service West Needles Wilderness Study Areas, and the BLM West Needles Wilderness Study Area. To extend the wilderness boundaries beyond these two areas would create topographically arbitrary boundaries, boundaries difficult to identify and difficult to manage.

With reference to the Powderhorn Primitive Area and Cannibal Plateau, the American Mining Congress has recommended to the Bureau of Land Management that Powderhorn be placed in a non-wilderness, multiple-use management designation. If Davis Creek is included in the proposal, the size should definitely not exceed 8,100 acres. It has a good potential for mineral development.

The American Flats BLM Wilderness Study Area should remain excluded from S. 2916 and lands in the BLM planning process.

We agree that it is essential that wilderness legislation contain a provision that protects the State system of water law and the integrity of rights of private systems.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Nichols follows:]

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PRESIDENT

Statement of

Mary Ann Nichols
Noranda Exploration, Inc.

on behalf of

The American Mining Congress

Before the
Subcommittee on Public Lands & Reserved Waters
Committee on Energy & Natural Resources
United States Senate

Hearings on
Colorado Wilderness Legislation

Washington, D.C.
September 18, 1984

of which fall in the Colorado mineral belts, have not been thoroughly studied.

P.L. 96-560 required that 11 areas totaling over 491,000 acres be studied for wilderness suitability. It also required that RARE II (Roadless Area Review and Evaluation) areas, identified as "further planning" but not designated as wilderness by the 1980 Act, remain in the further planning category pending completion of forest plans mandated by the National Forest Management Act.

It is our understanding that these actions have not been completed on any of the areas included in these bills and subject to these previous directions of the Congress. Even though preliminary studies may have been completed, final administration actions have not been taken. We think that the Congress set up an orderly, deliberative process and urge that the actions started be allowed to run their course before judgments are made based on incomplete analyses and information.

Initial actions have not been completed at this time on the first round of recommendations for six of the conterminous western public lands states. Emphasis and energies should be expended on RARE II bills in those states rather than starting on a second round in states such as Colorado where initial resolution has been reached.

Finally, in general terms, there is an overabundance of de jure and de facto wilderness in Colorado. Not counting the Forest Service areas now under consideration, the following acres

I would like to thank the Subcommittee for the opportunity to testify on Colorado wilderness legislation.

I am Mary Ann Nichols, Manager of Government Affairs, Noranda Exploration, Inc. of Denver, Colorado. I am a member of the American Mining Congress Public Lands Committee and am testifying on behalf of the American Mining Congress.

The American Mining Congress is an industry association that encompasses: (1) producers of most of America's metals, coal and industrial and agricultural minerals; (2) manufacturers of mining and mineral processing machinery, equipment and supplies; and (3) engineering and consulting firms and financial institutions that serve the mining industry.

COLORADO WILDERNESS

We regretfully take issue with the authors of the bills in that we do not believe that the time is ripe for consideration of a second round of state-wide wilderness in Colorado nor do we think that many of the proposed areas should be made wilderness because of the high resource values present therein.

In general, the areas with little conflict and low resource values in Colorado were added to the National Wilderness Preservation System in the Colorado Wilderness Act of 1980, P.L. 96-560. The areas now under consideration were not added at that time because either conflicts existed or there was a need for further resource data and information. These areas, most for the state of Colorado indicate the large acreages removed from multiple-purpose management:

System	Areas	Acres
National Park System-Wilderness	3	53,400
National Park System-Recommended*	3	465,820
National Forest System-Wilderness	24	2,582,895
BLM Wilderness Study Areas	60	801,405
Total		3,903,520

* Includes small Utah acreage

H.R. 5426 and S. 2032

With reference to specific areas, St. Louis Peak, Vasquez Peak, and the Williams Fork area should be removed from H.R. 5426 and, where included, from S. 2032. These areas are adjacent or close to the Henderson and Urad mines. They are highly mineralized with excellent potentials. U.S. Geological Survey reports corroborate these conclusions. The numbers of mining claims, the geologic formations, and the proximity of mines militate against designation as wilderness of these three areas.

Section 2 of the amended bill H.R. 5426 sets up a new federal land designation for a portion of Williams Fork--wilderness without classification. In addition, the preliminary findings of the U.S. Forest Service indicate St. Louis Peak and Williams Fork as nonsuitable for wilderness.

In a similar manner, Fossil Ridge (S. 2032) and South San Juan (S. 2032) have been preliminarily rated as nonsuitable for wilderness. Buffalo Peak, with a preliminary recommendation of less acreage than in H.R. 5426 and S. 2032, is highly mineralized and the U.S. Geological Survey suggests further study for identification of concealed minerals. Fossil Ridge is high in mineral potential and evidence of past production exists, including many patented mining claims. Drilling for porphyry deposits in the South San Juan has occurred within the last several years in the Montezuma Peak portion; the V-rock portion has oil, gas, and energy potential.

The Mt. Zirkel addition or Davis Peak area in H.R. 5426 and S. 2032, although it probably will be ranked as suitable for wilderness, has a high potential for copper, lead, zinc, silver and gold, and should be deleted.

Oh-Be-Joyful, in S. 2032, and Huajatolla or Spanish Peaks, in both H.R. 5426 and S. 2032, should be deleted. U.S. Geological Survey reports confirm high mineralization in Oh-Be-Joyful. In addition to the presence of coal, about 84 percent of the area is covered by unpatented claims and all or part of five patented claims lie within the wilderness study area. A 4-wheel drive road also penetrates the middle of Oh-Be-Joyful. The Forest Service recommended against wilderness designation for Oh-Be-Joyful in RARE II and its preliminary judgment based on the Congressionally-mandated study of Oh-Be-Joyful is unsatisfactory for wilderness. Spanish Peaks, another area judged unsuitable, has patented mining claims, past production, and oil and gas lease applications.

Sangre de Cristo, Greenhorn, West Needles, Weminuche Extension and Piedra all have mineralization and, based on their mineralization should be deleted from wilderness designation. The entire Sangre de Cristo mountain range holds identified mineral resources of gold, silver, tungsten, and copper as well as potential for nearly a dozen other important minerals; oil and gas leases and lease applications cover huge portions of the Sangre de Cristos. Claims and mineral deposits exist in the West Needles and Weminuche Extension. Greenhorn has a geology favorable for oil and gas production as well as some hardrock mineralization. Piedra contains an estimated uranium endowment of 1.7 million pounds of U308 as well as vein environments anomalous in silver, zinc and lead.

Finally, American Flats is totally BLM acreage and should be considered in the state-wide BLM wilderness bill under analysis at this time.

S. 2916

Although S. 2916 contains areas with mineralization, as noted in our discussion of H.R. 5426 and S. 2032, except for some small differences in acreages, by and large it conforms to the agency recommendations.

In the Colorado situation, with a paucity of resource data and information available, the federal land management agencies have the best data base. Because of the difficulty and cost in obtaining mineral data, mineral information is usually short of that desired for land use decisions. However, the agencies have done a commendable job in gathering minerals data from all available sources. In addition, the federal agencies have a cadre of trained, experienced resource specialists and land managers who can objectively analyze the facts and reach a recommendation based upon rational analysis.

The release of Fossil Ridge, South San Juan Extensions, Spanish Peaks, Williams Fork, St. Louis Peaks, and Oh-Be-Joyful, as provided in S. 2916, is absolutely necessary from the mining community's point of view.

The reduction in size of S. 2916 of Buffalo Peaks recognizes mineral values along the western, northern, and eastern edges of the study area. The Piedra proposal should be limited to the studied lands and not include those lands released in the Colorado Wilderness Act of 1980.

The Sangre de Cristo proposal will be difficult to manage as wilderness inasmuch as there are approximately 100 patented mining claims within the wilderness study area and approximately 24 square miles (15,300 acres) of unpatented mining claims as of 1982. However, the S. 2916 proposal eliminates a large block of patented claims included in S. 2032.

The West Needles unit should conform to the boundary of the Forest Service West Needle wilderness study area and the BLM West Needle wilderness study area. To extend wilderness boundaries beyond these two areas would create topographically arbitrary boundaries, boundaries difficult to identify and difficult to manage.

The rationale for exclusion of Oh-Be-Joyful from wilderness is discussed under H.R. 5426 and S. 2032.

With reference to Powderhorn Primitive area and Cannibal Plateau, the American Mining Congress has recommended to the Bureau of Land Management that Powderhorn be placed in a non-wilderness multiple-use management designation. The reasons center on the facts that: (1) there is no evidence that Powderhorn would expand the diversity of the National Wilderness Preservation System. (2) The area has large nearby wilderness already, e.g. La Garita, West Elk, Maroon Bells-Snow Mass, Black Canyon of the Gunnison, and Weminuche. (3) Large deposits of economic ore bodies lie near the proposed wilderness (titanium and yttrium near Powderhorn post office and alunite to the southwest of the proposal) and wilderness could adversely impact these economic and job-creating opportunities. A copy of the American Mining Congress comments to the Bureau of Land Management on Powderhorn is attached.

If Davis Peak is included in the proposal, its size should definitely not exceed 8100 acres. It has a good potential for mineral development. The additional acreages for Davis Peak in H.R. 5426 and S. 2032 are in areas released for multiple use management by the Colorado Wilderness Act of 1980. Stability in management is needed.

The American Flats, a BLM wilderness study area, should remain excluded from S. 2916 and be handled in the BLM planning process.

The National Park System wilderness proposals in S. 2916 should remain in the bill. Their inclusion provides an opportunity for the Congress to view Colorado wilderness insofar as possible as a total package. The Congress should realize that 436,000 acres of National Park System wilderness is contemplated in addition to the other acreages proposed.

OTHER PROVISIONS

The release/sufficiency language in S. 2916, modeled after that adopted by the Senate and the House of Representatives in wilderness bills for other public land states, should be retained. The record of legal actions against the Forest Service makes it absolutely necessary that this language prevail.

In addition, because of a tendency to establish buffer zones around wilderness, we strongly urge that this Subcommittee add language consistent with the Arizona Wilderness Act of 1984 (S. 2242, as amended) and also included in the Idaho legislation (S. 2457) and the Utah bill (S. 2155). Such language would read:

> The Congress does not intend that designation of wilderness areas in the State of Colorado lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activitites or uses up to the boundary of the wilderness area.

We agree that it is essential that wilderness legislation contain a provision that protects the States's system of water law and the integrity of rights of private citizens.

If it is the will of this Subcommittee to report out a Colorado wilderness bill, we strongly urge that, in addition to the Park proposals, the bill be designed to put RARE II to bed once and for all. The industries dependent on the public lands--as a source of goods the American public needs and demands--must have a finality to the process. They need some firm ground on which they can plan and manage so that our next generation will not be wanting the basic minerals to make those things upon which our quality of life is so dependent.

Finally, from the mineral industry standpoint, one of the richest mineral belts in North America lies in Colorado. Much of it has already been made wilderness. Although mineral exploration utilizes large areas with no or little surface disturbance, mineral production requires very little land for development--in the last 50 years only 0.02 percent of the United States land surface. We urge the Subcommittee to seriously consider the consequences of placing additional areas off-limits to our vital basic industries.

Thank you for the opportunity to express our views. I will be happy to answer any questions you may have.

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* Immediate Past Chairman
⁺ Honorary

April 27, 1984

Copy

Ms Jan Bedrosian
Office of Public Affairs
Bureau of Land Management
U.S. Department of the Interior
Room 5600
18 & C Streets, NW
Washington, D.C. 20240

Dear Jan:

The Bureau of Land Management asked for comments on a series of BLM Wilderness Recommendations involving several instant study areas. We do not agree with the proposals and rationale for the Scab Creek area in Wyoming or the Powderhorn area in Colorado. Our discussions follow.

Scab Creek, Wyoming

We believe that the Bureau should recommend a non-wilderness, multiple-use management designation for Scab Creek for the following reasons:

1. The Bureau has not followed its own policy in its decision-making process.

BLM Wilderness Study Policy (Federal Register, February 3, 1982, p. 5103), states that all BLM wilderness recommendations will be justified on the basis of two criteria, part of one that states:

> Diversity in the National Wilderness Preservation System: Consider the extent to which wilderness designation of the area under study would contribute to expanding the diversity of the National Wilderness Preservation System from the standpoint of each of the factors listed below:
>
> (1) Expanding the diversity of natural systems and features, as represented by ecosystems and landforms.
>
> (2) Assessing the opportunities for solitude or primitive recreation within a day's driving time (5 hours) of major population centers.
>
> (3) Balancing the geographic distribution of wilderness areas.

> The analysis should consider--in separate categories--Federal and State lands designated as wilderness, areas officially recommended for wilderness, and other Federal and State lands under wilderness study.

Our reading of this section of the guidelines is that this consideration is mandatory. Nowhere in the documentation and analysis for Scab Creek do we find these factors discussed or evaluated.

2. The BLM Wilderness Recommendations document contains serious error of fact:

The document states, "The area [Scab Creek], adjacent to the Forest Service's Bridger Wilderness area."

This is not factual. Map 1 of the Scab Creek Draft EIS shows a Forest Service RARE II area between the Bridger Wilderness and Scab Creek. The RARE II area (4901) is not included in the legislation (S. 543) that passed the Senate on April 13, 1983, and is supported by the entire Wyoming Congressional delegation. Also, by letter from the Department of Agriculture to the Honorable James A. McClure dated April 1, 1983, the Department of Agriculture, the Administration spokesman, recommended passage of the bill, which included, by inference, release of RARE II 4901 to multiple-use management.

The effect of this error of fact upon the feasibility of recommending Scab Creek for wilderness is discussed under the implications of the manageability criterion.

3. Scab Creek would not expand the diversity of the National Wilderness Preservation System (NWPS).

Ecosystem and landform data indicate that Scab Creek would not expand the diversity of natural systems and features, as represented by ecosystems and landforms, of the NWPS. The vegetation types and geomorphological features appear to be commonplace among other nearby areas in the NWPS and, in general, with nearby non-wilderness Federal lands.

We do not find Scab Creek within five hours driving time of major population centers.

With reference to designated wilderness, recommended wilderness, and wilderness study areas in western Wyoming, the area is replete with large acreages and we question the need for more wilderness.

The 1982 wilderness report to the Congress, RARE II documents and BLM lists of WSA show the following acres for the state of Wyoming.

System	Areas	Acres
National Park System-Recommended [1]	2	2,176,175
National Park System-Study [2]	1	120,158
National Forest System-Wilderness		2,178,280
National Forest System-RARE II Recommended Wilderness	21	716,139
National Forest System-RARE II Recommended Further Planning	8	602,910
BLM WSA's	36	549,682
	Total	6,343,344

---

[1] Includes small acreage in Idaho and Montana.

[2] Includes small acreage in Montana.

Current wilderness nearby to Scab Creek includes Bridger (392,169 acres) and Fitzpatrick (191,103 acres).

The question of need of Scab Creek for wilderness is a real and vital one. We submit that the need is not apparent.

4. Is the area capable of being managed to preserve its wilderness character?

Two factors militate against the manageability of Scab Creek as wilderness. First, as described in Item 2, Scab Creek lies as an isolated 7,536-acre parcel entirely surrounded by non-wilderness lands, lands now in or likely to be retained for multiple-use management. Its boundaries are strictly along legal description lines and not topographic features, making it exceedingly difficult for the using public to know whether they are in wilderness or not, and which set of regulations they must conform to.

Secondly, the Draft EIS states: "Most Federal land in the study area, and within 2 miles (3.2 km) basinward outside the study area, is under lease."

We submit that it indeed will be difficult to manage an area as wilderness with such a plethora of outstanding rights.

5. The Department of the Interior recommended Scab Creek be redesignated Class I under the Clean Air Act.

Although the usual practice is for wilderness areas to be designated Class II air quality areas, the Department recommendation still sets a situation that could well lead to inclusion of a Class I provision in legislation. Designation of Class I areas essentially eliminates the development of minerals for national security and the economic well-being of our nation.

The precedent set in the 1977 amendments to the Clean Air Act must also be considered in the designation of wilderness. All areas such as Scab Creek that were wilderness as of the date of passage were designated Class I. A real fear exists that such action could be repeated during the reauthorization of the Clean Air Act.

Powderhorn, Colorado

We believe that the bureau should recommend a non-wilderness, multiple-use management designation for Powderhorn for the following reasons:

1. The Bureau has not followed its own policy in its decision-making process.

The same rationale as expressed for Scab Creek, Item 1, is apropos in this instance also.

2. No evidence is presented that Powderhorn would expand the diversity of the National Wilderness Preservation System.

There is no evidence in the documentation that indicates increasing the diversity of NWPS by designating Powderhorn as wilderness. Landform and vegetation data, sketchy at best, do not indicate ecosystems and landforms different from those found in the many nearby wilderness areas.

We do not find Powderhorn within five hours driving time of major population centers.

With reference to designated wilderness, recommended wilderness, and wilderness study areas in the vicinity of Powderhorn, the area has large nearby wilderness, e.g. La Garita, West Elk, Maroon Bells--Snow Mass, Black Canyon of the Gunnison, Weminuche, and we question the need for more wilderness.

The 1982 wilderness report to the Congress, RARE II documents, and BLM lists of WSA's show the following acres for the state of Colorado:

System	Areas	Acres
National Park System-Wilderness	3	53,400
National Park System-Recommended 1/	3	465,820
National Forest System-Wilderness	24	2,582,895
National Forest System-RARE II Recommended Wilderness 2/	-	2,026,570
National Forest System-RARE II Recommended Further Planning 2/	-	190,520
BLM WSA's	60	801,405
	Total	6,120,610

1/ Includes small Utah acreage.

2/ Estimated.

3. Although minerals reconnaissance does not indicate the presence of minerals, large deposits of economic ore bodies lie near the proposed wilderness.

In noting that the U.S. Geological Survey and Bureau of Mines reports do not report the presence of mineral values, it should also be noted that the Powderhorn Primitive Area has been withdrawn from all forms of deposition under the mining laws since August 1943. Thus, current exploration theories and techniques have not been tested in the area.

Just to the east of the Powderhorn post office is a deposit under commercial development containing columbium, titanium, rare earth metals, and yttrium. It is our understanding that the only other rare earth deposit in the United States in production is at Mountain Pass, California, and it does not contain yttrium. Industrial applications of these elements, some of which are classed as strategic, have increased markedly in recent years and our net import reliance is high.

To the southwest of the area lies a large body of alunite, a source of aluminium that the Bureau of Mines states is expected to be used.

4. The Department of the Interior recommended Powderhorn be redesignated Class I under the Clean Air Act.

On September 7, 1979, a Department of the Interior Task Force recommended to Congress that the Powderhorn area be classified a Class I air quality area.

If this statement surfaced along with an Administration recommendation for wilderness, we think the probability definitely exists that Powderhorn would be legislated Class I at that time. In addition, a repeat of the 1977 amendments to the Clean Air Act could blanket in Powderhorn as Class I.

Designation of Class I would deprive our nation of invaluable mineral resources.

We appreciate the opportunity to comment on these proposals. Please call me at 861-7518 if I can be of help in clarifying any issues expressed in this letter.

Sincerely,

Thomas C. Nelson

Senator **Wallop**. Thank you, Ms. Nichols.
Mr. Wells.

STATEMENT OF JOHN WELLS, MINERALS EXPLORATION COALITION, DENVER, CO, ACCOMPANIED BY L. COURTLAND LEE, CONSULTING GEOLOGIST, MINERALS EXPLORATION COALITION

Mr. **Wells**. As you will note, on the program we have two members here from the Minerals Exploration Coalition. We will present only one statement. Courtland Lee is a consulting geologist. He will be available for comment if you care to question him.

The Minerals Exploration Coalition is a nonprofit membership organization representing companies and individuals engaged in the exploration for hard rock minerals on Federal lands.

The MEC believes that areas with mineral resource potential should not be designated wilderness. Access for exploration is prohibited under provisions of the Wilderness Act of 1964 except on lands where valid existing rights have been demonstrated before December 31, 1983. Any area now designated wilderness will be closed immediately and permanently unless special provisions are made.

We want to applaud Senator Armstrong for proposing a bill that takes into full account the professional work and recommendations of the Forest Service, National Park Service, and the Bureau of Land Management. He accepts many of their recommendations after a thorough analysis of the issues surrounding each wilderness area. The statement presented by Senator Armstrong when he introduced the bill illustrates that he has studied these issues carefully and prepared his bill as a compromise bill.

The MEC is particularly concerned about the Oh-Be-Joyful area. It is highly mineralized according to U.S. Geological Survey and Bureau of Mines and private industry information. There is no disputing the fact that the area is highly mineralized with the high likelihood of future significant production not only in hard minerals but coal and oil and gas.

Furthermore, previous uses of the lands have left a heavy imprint of man, and according to the Forest Service, no need for the wilderness area exists.

The Forest Service recommends that it is unsuitable for wilderness designation. The Armstrong bill does not address this issue, while the House bill has designated it as wilderness. The Oh-Be-Joyful area should not be designated wilderness. To designate this area as wilderness would fly in the face of logic and defies the concept of wilderness review. It would offer clear evidence that wilderness designation is purely political without merit in fact, thereby diminishing the whole concept of wilderness. Without basis in fact and logic, a wilderness area is whimsical and temporary, subject to change with shifting opinion.

I would like to direct your attention to the Lake City-Silverton region which is a highly mineralized area and displays much natural beauty. Several wilderness areas already exist in the region. A number of additional areas are being considered for wilderness in this bill, and several areas are being studied by the Bureau of Land Management for future designation as wilderness.

All together, there are 19 wilderness and wilderness study areas in this Lake City-Silverton area. Many mineral surveys of the U.S. Geological Survey and the Bureau of Mines have been completed, and many questions remain to be completed.

There are three groups of wilderness and wilderness study areas—those for which mineral surveys have been completed, and some of which date back as early as 1965; those which are areas which are now being proposed for wilderness designation but for which no mineral surveys have been done; and those areas of BLM lands yet to be surveyed under their wilderness review program.

A regional study of the Lake City-Silverton region is needed to adequately assess the mineral resource potential of the region and to logically determine the wilderness suitability of the many areas that have been proposed and will be proposed for wilderness designation. This study would bring together and update existing surveys and complete those that do remain.

We recommend that no further wilderness designations be made in this region until the study is complete.

MEC supports release of Fossil Ridge, South San Juan Extensions, Spanish Peaks, Williams Fork, and St. Louis Peak in the Armstrong bill. We believe boundary changes need to be made to eliminate mineralized areas in the Buffalo Peaks, Sangre de Cristo, and Greenhorn Mountain areas.

I submit for the record some modified boundary exchange suggestions here.

We believe that Oh-Be-Joyful, Wheeler Peak, Davis Peak, West Needles, American Flats, Weminuche Additions, and Powderhorn should be released. We support the designation of Piedra, Cannibal Plateau, and Service Creek in the Armstrong bill and Lost Creek in the House bill. We have supplied detailed information to Senator Armstrong's staff and to the House committee, and we can provide them to this committee as well.

[The prepared statement of Mr. Lee follows:]

MEC

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Minerals Advocate
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**Executive Committee member*

STATEMENT

OF

L. COURTLAND LEE

on behalf of the

MINERALS EXPLORATION COALITION

on

COLORADO WILDERNESS BILL

S. 2916

before

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVE WATER

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

The Minerals Exploration Coalition is a non-profit, membership organization representing companies and individuals engaged in the exploration for hard rock minerals on federal lands.

The MEC believes that areas with mineral resource potential should not be designated wilderness. Access for exploration is prohibited under provisions of the Wilderness Act of 1964, except on lands where valid existing rights have been demonstrated before December 31, 1983. Any area now designated wilderness will be closed immediately and permanently unless special provisions are made.

We are here today to discuss the Armstrong Colorado wilderness bill and compare it with the bill passed by the House of Representatives.

We want to applaud Senator Armstrong for proposing a bill that takes into full account the professional work and recommendations of the Forest Service, National Park Service and the Bureau of Land Management. He accepts many of their recommendations after a thorough analysis of the issues surrounding each wilderness area. The statement presented by Senator Armstong when he introduced the bill illustrates that he has studied the issues carefully and prepared his bill as a compromise bill.

The MEC is particularly concerned about the Oh-Be-Joyful area. It is highly mineralized according to the U.S. Geological Survey - U.S. Bureau of Mines survey and private industry information. There is no disputing the fact that the area is highly mineralized with the high likelihood of future significant production, not only of hard minerals, but coal and oil and gas. Furthermore, previous use of the land has left a heavy imprint of man and, according to the Forest Service, no need for the wilderness area exists.

The Forest Service recommends it as unsuitable for wilderness designation. The Armstrong bill does not address this area while the House bill would designate it wilderness. The Oh-Be-Joyful area should not be designated wilderness.

To designate this area as wilderness would fly in the face of logic and defy the concepts of wilderness review. It would offer clear evidence that wilderness designation is purely political without merit in fact, thereby diminishing the whole concept of wilderness. Without basis in fact and logic, a wilderness area is whimsical and temporary, subject to change with shifting opinion.

I would like to direct your attention to the Lake City-Silverton Region which is highly mineralized and displays much natural beauty. Several wilderness areas exist in the region; a number of additional areas are being considered for wilderness in this bill; and several areas are being studied by the Bureau of Land Management for future designation as wilderness. All told, there are 19 wilderness and wilderness study areas.

Mineral surveys by the U.S. Geological Survey and the Bureau of Mines have been conducted and many yet remain to be completed.

There are three groups of wilderness and wilderness study areas: 1.) those for which mineral surveys are completed, some of which date back to 1965; 2.) those now being proposed for wilderness designation but for which no mineral surveys have been done and; 3.) those areas of BLM land yet to be surveyed under their wilderness review program.

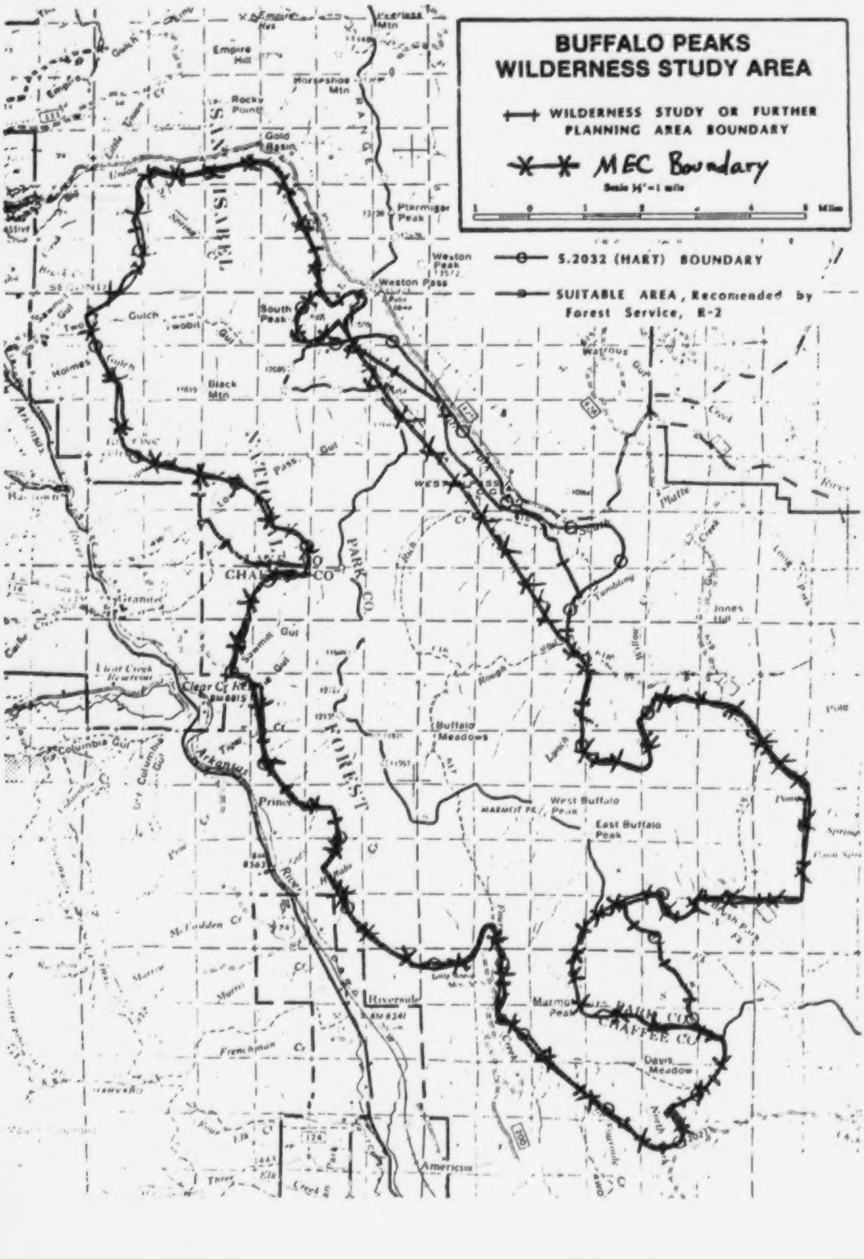
A regional study of the Lake City-Silverton region is needed to adequately assess the mineral resource potential of the region and to logically determine the wilderness suitability of the many areas that are being proposed or will be proposed for wilderness designation. This study would bring together and update existing surveys and complete those that remain.

We recommend that no further wilderness decisions be made in this region until the study is completed.

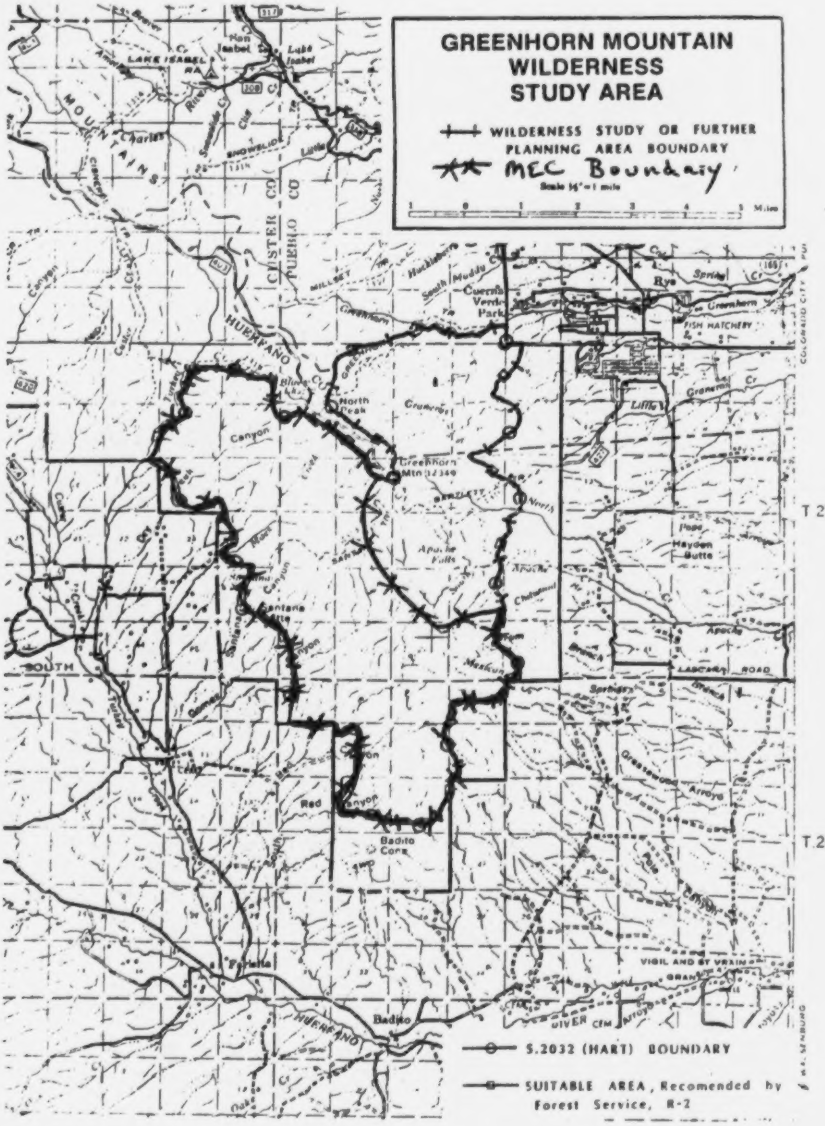
MEC supports release of Fossil Ridge, South San Juan Extensions, Spanish Peaks, Williams Fork and St. Louis Peak in the Armstrong bill. We believe boundary changes need to be made to eliminate mineralized areas in the Buffalo Peaks, Sangre de Cristo, and Greenhorn Mountain areas. We believe the Oh-Be-Joyful, Wheeler Geologic, Davis Peak, West Needles, American Flats, Weminuche Additions, and Powerhorn should be released. We support the designation of Piedra, Cannibal Plateau, and Service Creek in the Armstrong bill and Lost Creek of the House bill.

We have supplied detailed comments to Senator Armstrong's staff and the House Committee.

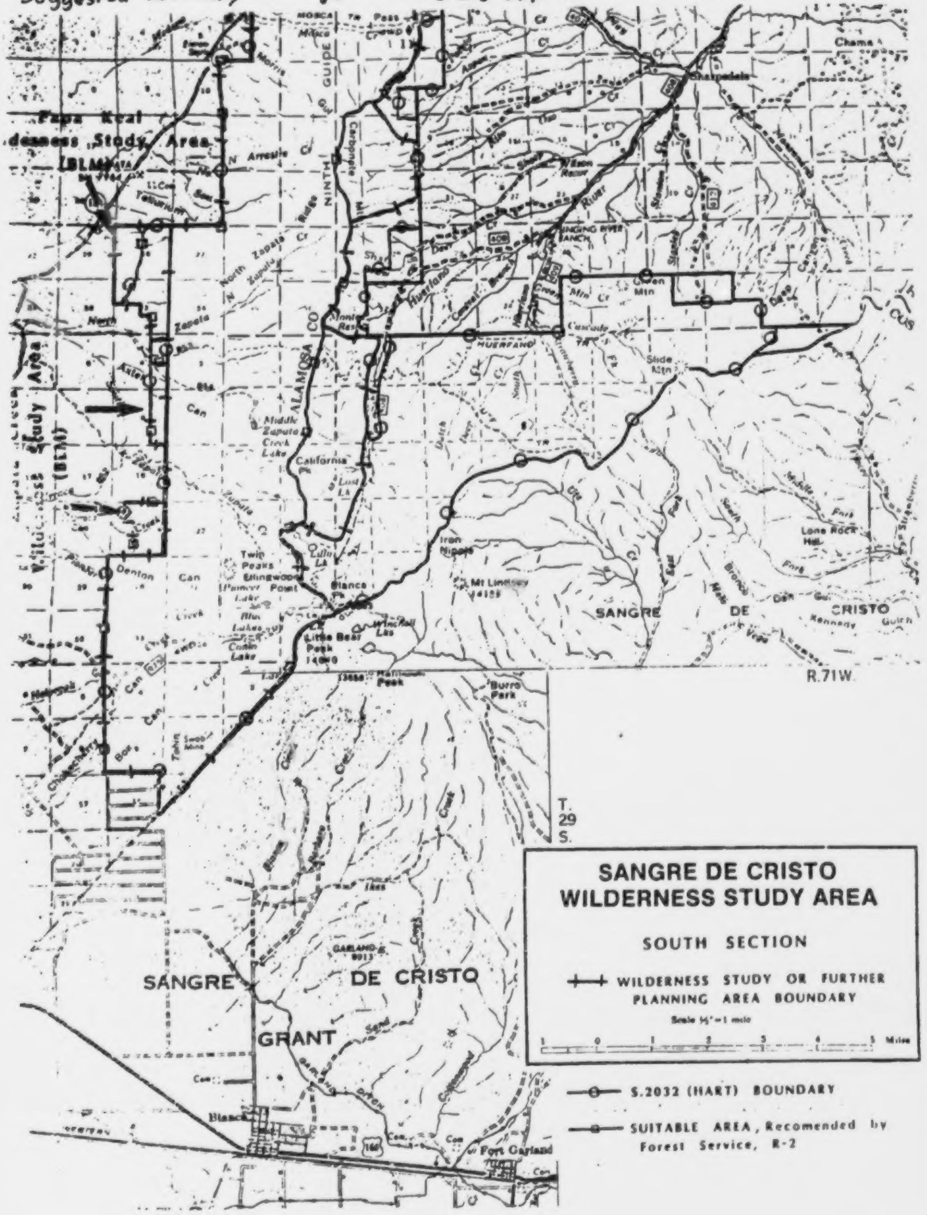
Suggested Boundary Change - Minerals Exploration Coalition


BUFFALO PEAKS
WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
MEC Boundary
Scale ½" = 1 mile
Miles
S.2032 (HART) BOUNDARY
SUITABLE AREA, Recomended by Forest Service, R-2
Empire Hill
Rocky Point
Horseshoe Mtn
Gold Basin
Ptarmigan Peak
Weston Peak
Weston Pass
South Peak
Black Mtn
Watrous Gul
Holmes Gulch
Granite
Clear Creek Reservoir
Columbia Gul
Arkansas River
Buffalo Meadows
West Buffalo Peak
East Buffalo Peak
Marmot Peak
Davis Meadow
Jones Hill
Riverside
Frenchman Cr
PARK CO
CHAFFEE CO
FOREST

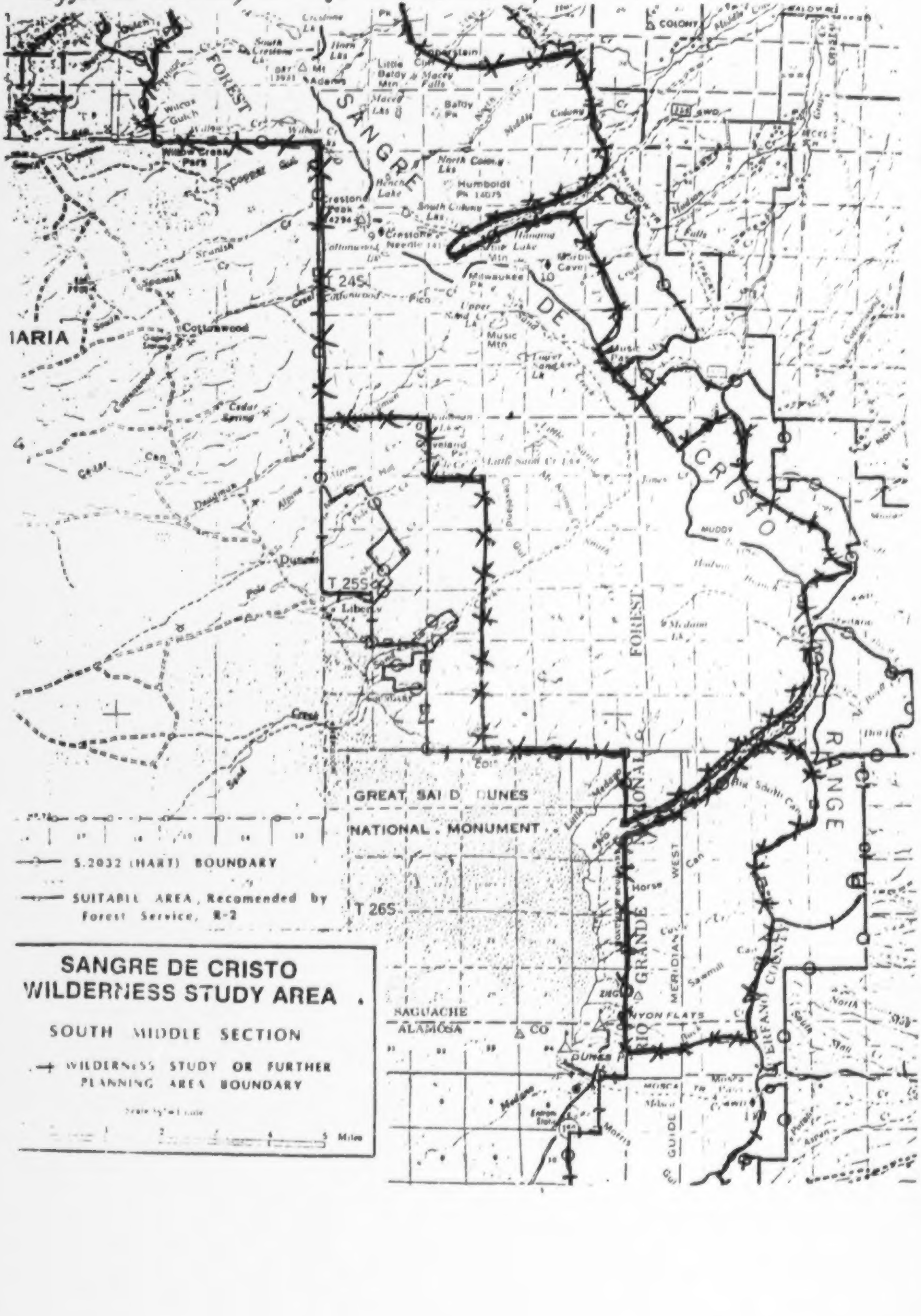
Boundary Change - Minerals Exploration Coalition


GREENHORN MOUNTAIN WILDERNESS STUDY AREA
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
MEC Boundary
Scale ½" = 1 mile
Miles
S.2032 (HART) BOUNDARY
SUITABLE AREA, Recomended by Forest Service, R-2
T 25S
T.26S
LAKE ISABEL
San Isabel
Lake Isabel
MOUNTAINS
CUSTER CO
PUEBLO CO
HUERFANO
Cuerno Verde Park
Rye
Greenhorn
FISH HATCHERY
North Peak
Greenhorn Mtn 12,349
Apache Falls
Hayden Butte
Apache
LASCAR ROAD
Greasewood Arroyo
Badito Cone
Farisita
Badito
Canyon
Red
Santana
Mexican
VIGIL AND ST VRAIN
COLORADO CITY

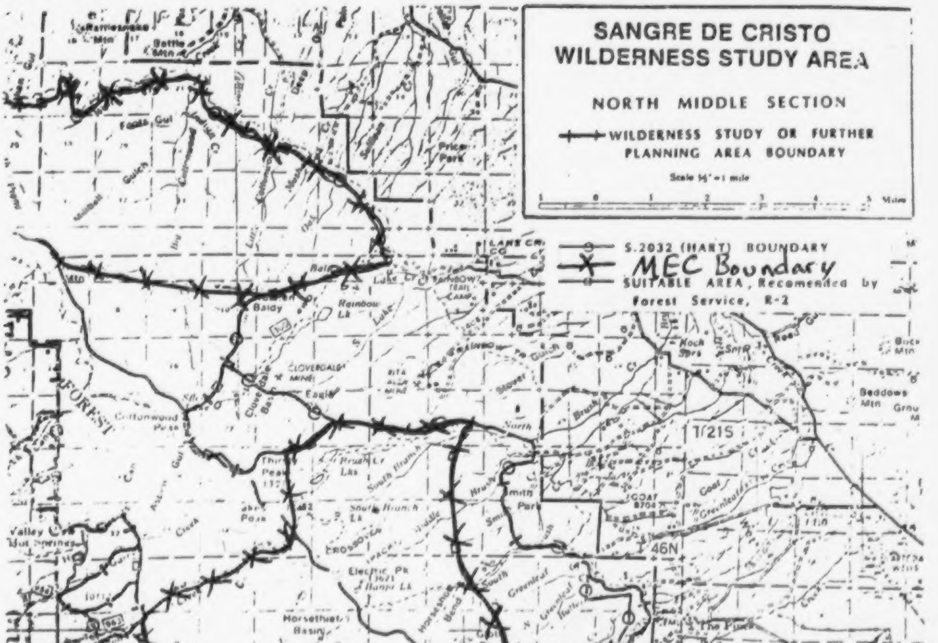
Suggested Boundary Change - Minerals Exploration Coalition


SANGRE DE CRISTO
WILDERNESS STUDY AREA
SOUTH SECTION
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Scale ½" = 1 mile
S.2032 (HART) BOUNDARY
SUITABLE AREA, Recomended by Forest Service, R-2
SANGRE DE CRISTO GRANT
SANGRE DE CRISTO
ALAMOSA CO
HUERFANO
NINTH GUIDE
Blanca Pk
Little Bear Peak 14040
Mt Lindsey 14125
Iron Nipple
Twin Peaks
California Pk
Middle Zapata Creek Lake
Lily Lk
Lost Lk
Blanca
Fort Garland
Gardner
Chama
R.71W.
T. 29 S.

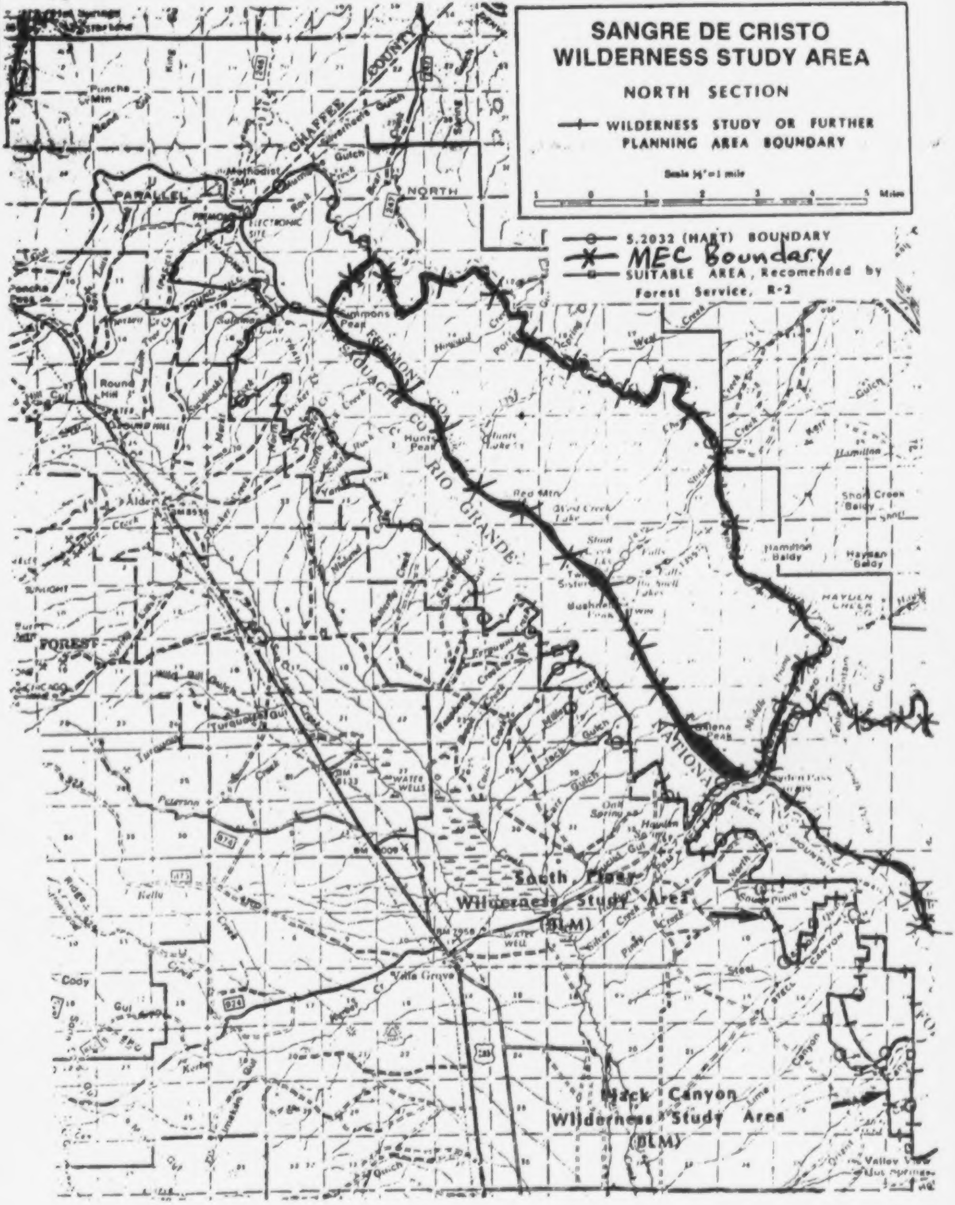
Suggested Boundary Change - Minerals Exploration Coalition


SANGRE DE CRISTO
WILDERNESS STUDY AREA
SOUTH MIDDLE SECTION
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
S.2032 (HART) BOUNDARY
SUITABLE AREA, Recomended by Forest Service, R-2
1
2
4
5 Miles
SANGRE
DE
CRISTO
RANGE
FOREST
GREAT SAND DUNES
NATIONAL MONUMENT
RIO GRANDE
WEST
MERIDIAN
GUIDE
SAGUACHE
ALAMOSA
CO
T 24S
T 25S
T 26S
COLONY
Crestone Peak 14294
Crestone Needle
Humboldt Pk 14075
North Colony Lks
South Colony Lks
Milwaukee Pk
Music Mtn
Upper Sand Cr Lk
Lower Sand Cr Lk
Hanging Lake
Marble Cave
Willow Creek Park
Wilcox Gulch
Spanish
Cottonwood
Cedar Spring
Liberty
Dunes
Mosca
Horse
Sawmill
Little Baldy Mtn
Baldy Pk
Macey Falls
Macey Lks
Horn Lks
Mt Adams
Bench Lake
Cotton
Pico
MUDDY
Huerfano
Medano

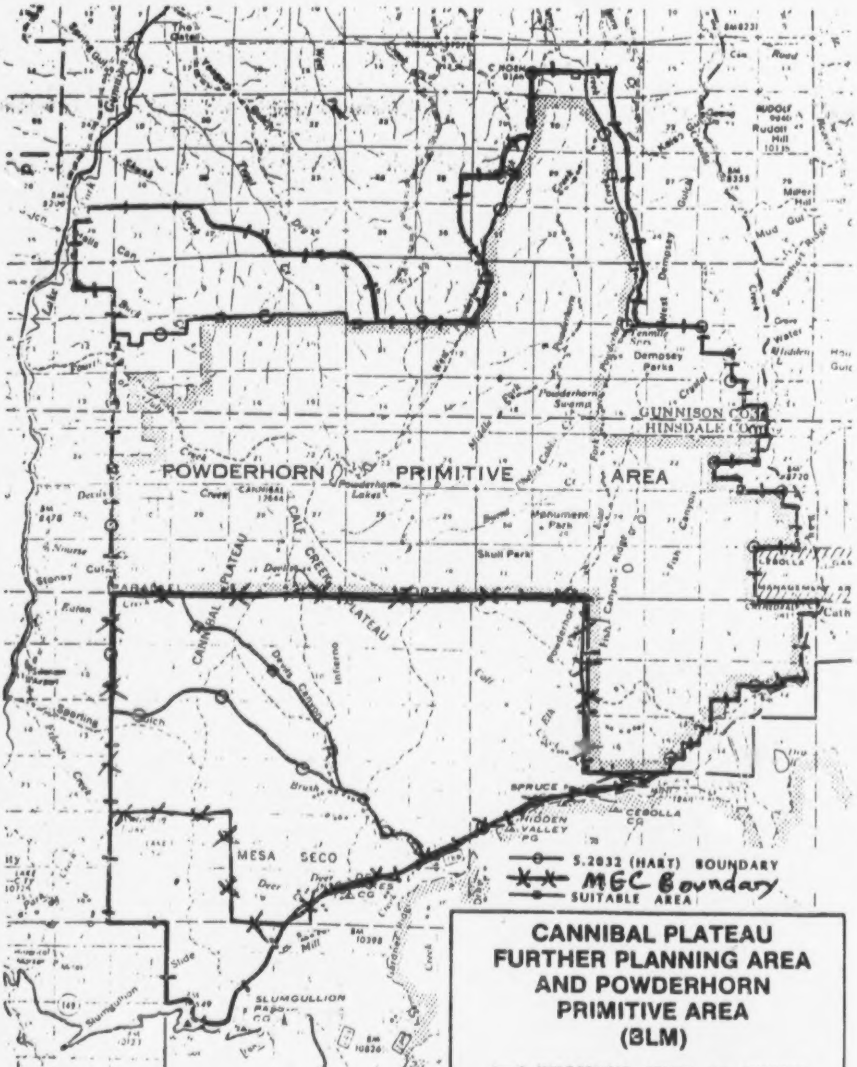
Suggested Boundary Change - Minerals Exploration Coalition


SANGRE DE CRISTO
WILDERNESS STUDY AREA
NORTH MIDDLE SECTION
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Scale ½" = 1 mile
S.2032 (HART) BOUNDARY
MEC Boundary
SUITABLE AREA, Recomended by Forest Service, R-2
Baldy
Rainbow Lk
Cloverdale Mine
Eagle
Cottonwood Peak
Third Peak
Brush Cr Lks
South Branch Lk
Crossover
Electric Pk
Horsethief Basin
Cotton Creek
Middle Fk
Henderson
Mill Gulch
Mount Marcy 13510
Mt Owen 13387
Teacup Lk
Cherry Lk
Kolkman Basin
Rito Alto Pk
Hermit Pass
Horseshoe
Hermit Lk
Hermit Peak
Eureka Lk
Eureka Mtn
Goodwin Lks
Venable Falls
Comanche
Groundhog Basin
Venable Pk
Gibson Peak
San Isabel Lk
Marshall
Rio Grande National
Saguache
Custer Co
Lakes of the Clouds
Spread Eagle Pk
Greenleaf
Texas
Short Cr
Valley View Hot Springs
Smith Park
T 21S
T 22S
T 23S
T 46N
T 45N
Tanglewood Acres
Alvarado
Horn Pk
Fluted Peak
North Crestone Creek
Beddows Mtn
Koch Spgs
Goat

Suggested Boundary Change - Minerals Exploration Coalition


SANGRE DE CRISTO
WILDERNESS STUDY AREA
NORTH SECTION
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
Scale ½" = 1 mile
1 0 1 2 3 4 5 Miles
S.2032 (HART) BOUNDARY
MEC Boundary
SUITABLE AREA, Recomended by Forest Service, R-2
CHAFFEE COUNTY
PARALLEL
NORTH
Methodist Mtn
ELECTRONIC SITE
Simmons Peak
FREMONT CO
SAGUACHE CO
RIO GRANDE
NATIONAL
Poncha Pass
Round Hill
Alder
Hunts Peak
Hunts Lake
Red Mtn
West Creek Lake
Twin Sisters
Bushnell Peak
Hamilton Baldy
Hayden Baldy
Short Creek Baldy
Hayden Pass
Turquoise
Peterson
Kelly
Cody
Villa Grove
WATER WELLS
FOREST
SUNLIGHT
South Fork Wilderness Study Area (BLM)
Black Canyon Wilderness Study Area (BLM)
Valley View Hot Springs
285
17
Orient

Suggested Boundary Change - Minerals Exploration Coalition


POWDERHORN PRIMITIVE AREA
CANNIBAL PLATEAU
MESA SECO
GUNNISON CO.
HINSDALE CO.
Powderhorn Lakes
Powderhorn Swamp
Dempsey Parks
Monument Park
Skull Park
Devils Canyon
Infierno
SPRUCE
HIDDEN VALLEY PG
CEBOLLA CG
SLUMGULLION PASS CG
SLUMGULLION
Rudolf Hill
Miller Hill
Mud Gul
Lake San Cristobal
149
S.2032 (HART) BOUNDARY
MEC Boundary
SUITABLE AREA
CANNIBAL PLATEAU
FURTHER PLANNING AREA
AND POWDERHORN
PRIMITIVE AREA
(BLM)
WILDERNESS STUDY OR FURTHER PLANNING AREA BOUNDARY
1 0 1 2 3 4 5 Miles

Senator WALLOP. Thank you, Mr. Wells. Where is Oh-Be-Joyful there on that map? Is it that bright red one down there?

Mr. DELCOUR. In the lower left, Senator; it is approximately here. It is a 5,500-acre tract alongside the existing Ragged Wilderness.

Senator WALLOP. Let me just ask you a question generically.

Are you aware of the newly crafted release language that we put on the Arizona, Utah, and other bills? Would that be satisfactory release for remaining lands not designated wilderness in Colorado?

Mr. DELCOUR. I think it probably would. I think we have all come to accept the inevitability of the new language as likely to be included in virtually all wilderness bills that pass certainly in this session, and likely in the future.

All of the release language, of course, is deficient in certain respects. I think the real question——

Senator WALLOP. There was one bill that did not, but it died.

Mr. DELCOUR. The real question, of course, is how will land not in the wilderness system be managed? And any language that makes it clear or clearer still that such lands can be managed in accordance with the Nation's public land use and not in any special way so as to protect it for some future wilderness designation certainly is to be preferred.

Senator WALLOP. I also understand your desire to have it as an amendment to the 1980 Colorado Wilderness Act. It might be something that would be considered given agreement by the representatives of the State of Colorado. It is very difficult for us to act contrary to their wishes. We will take a look and see how it comes.

Ms. NICHOLS. Mr. Chairman, could I mention something else? When you brought up the release idea, one provision in the newly crafted release language talked to the issue that further wilderness recommendations would only come about as part of the land use planning process.

We think that is a step in the right direction, and that is why we applaud Senator Armstrong for taking into account the planning documents that the Forest Service has recommended even though they have not been released to the public yet.

The one concern that we have is that the Wilderness Act predated any of the planning legislation, both the RPA legislation in 1974 and its refinement in 1976, and then also the Federal Land Policy and Land Management Act of 1976, and our concern is that once an area has been designated wilderness, it is removed from the land planning base and it is not part of any future wilderness studies, and so we would like to try and get designated wilderness into the land planning process so that maybe new information, technological changes, could be taken into account.

Senator WALLOP. May I say that is a very unlikely event this year.

Ms. NICHOLS. That is true.

Senator WALLOP. Perhaps for a longer period of time, but it certainly wouldn't do it in this process.

Mr. WELLS. I would just like to reinforce what Ms. Nichols has said. The land use planning process that has been finally developed and pretty well honed down to a workable system is something that I think we would like to place a lot of reliance on because it takes into account all of the various competing interests, the various citizens' wishes, and politics and all of that.

For it to get pushed into the system and have lines arbitrarily drawn around areas because there is somebody's favorite area really isn't good public policy because it sets areas aside in perpetuity without the chance for another generation to ever look at these, to make another choice. We feel that way too many mineralized areas have been already included basically and that the opportunity to reexamine these is taken from us every time that these areas are designated wilderness and are preempted from the land use planning process which is now a good process, which did not exist at the time that the bill was originally passed in 1964.

Senator **Wallop**. Thank you. I thank you all very much. We appreciate your testimony. Mr. Lee, it was my understanding——

Mr. **Lee**. I was here just for a comment.

Senator **Wallop**. I'm sorry. I thought I had understood you were not going to testify. I didn't mean to cut you off.

Mr. **Lee**. I never started, so you didn't. I was going to say in regard to the water rights issue that Minerals Exploration looks at future land uses, so obviously the water right issue is very important to potential mines, and unlike many resources, when you mine something out, you have to replace that ore if you are going to continue to supply that demand, and that requires some use of water, and I think that the question of whether lawsuits by the environmental groups do impact the process, I just call attention to the RARE II process itself which is a result of a lawsuit.

Senator **Wallop**. Thank you, Mr. Lee—my apologies. The next panel is Mr. Steve Blomeke—I am certain that is the wrong pronunciation—Colorado Wildlife Federation; Mr. Destry Jarvis, National Parks and Conservation Association; Larry Strohl, United Sportmen's Council, Colorado; Jerry Mallett of the Western River Guides Association; and Mr. James Breese of the Colorado Mountain Club.

Mr. Blomeke.

STATEMENT OF STEVE BLOMEKE, EXECUTIVE DIRECTOR, COLORADO WILDLIFE FEDERATION, DENVER, CO

Mr. **Blomeke**. Thank you, Mr. Chairman. My name is Steve Blomeke. I am executive director of the Colorado Wildlife Federation. We represent over 16,000 individual members in Colorado. We are the State affiliate of the National Wildlife Federation, our Nation's largest citizen conservation organization.

Ninety percent of our members purchase at least one hunting and fishing license each year, so we are an organization of people who do actively participate in consumptive uses of wildlife in our State.

Hunting and fishing is, as you know, in Wyoming is big economic benefit for both of our States. A recent Colorado State University Economics Department study indicated that hunting and fishing contribute over $1 billion a year to our State's economy. That is equal to the much more popular, well-known skiing industry in our State.

I mention these facts as an introduction to why wilderness designation is so important to us. Colorado is seeing a tremendous growth, and that growth is causing increased pressure on our natural resources and wildlife. The West is changing, and the need to protect certain areas is growing.

If we are to have a nation, and a place for wildlife in the future, it is essential that the designation of certain wilderness be made. The financial benefits of maintaining healthy wildlife and fish resources are tremendous. Without adequate habitat we are in danger of destroying our rich wildlife heritage.

Our proposal, which I won't go into detail, asks for designation of 820,085 acres. We continue to support that view.

The three bills before you are the House compromise, H.R. 5426; Senator Hart's bill, S. 2032; and Senator Armstrong's bill, S. 2916. Senator Hart's proposal is also the recommendation of the State of Colorado, and in our opinion is far preferable to the other two bills.

The water language contained in Senator Armstrong's bill is unacceptable to us at this time. It is clearly a new issue, and it seems to us to be unnecessary and should be dealt with when and if the Sierra Club litigation is final, not now.

As a representative of hunters and fishermen, our organization is willing to address the water issue at a later time. It seems to me that the U.S. Senate is a legislative body and should decide based on the current set of conditions, not try to base its decision on anticipated actions by the court.

Without going into our specific recommendations, I want to clear up a bit of a misunderstanding regarding the Colorado Division of Wildlife's views on a couple of areas—Buffalo Peaks and the Piedra. Some have suggested that the Division of Wildlife is supporting the smaller area for both of these areas.

That is not the case. In fact, their views on the number of acres to be included is in agreement with ours, and I think was accurately covered this morning in Mr. Getches' testimony.

I would like to talk about two or three areas before I conclude my oral comments. First of all, in terms of Buffalo Peaks, our organization proposes designation of 57,540 acres in the wilderness system. Wilderness is very appropriate for this area especially to protect and enhance year-round habitat for large herds of Rocky Mountain bighorn sheep. In this area we strongly support inclusion of the following parcels—one, approximately 5,000 acres east and west of Buffalo Peaks; two, approximately 5,000 acres south of Marmot Peak; and three, about 3,200 acres west of Black Mountain; and four, over 5,000 acres across the northeastern boundary of the area near Weston Pass.

We think also in terms of Fossil Ridge it is appropriate that that be included in the wilderness system.

I would like to conclude my comments in regard to one other area, and that is the Wheeler Geological Area. We support the addition of 29,350 acres in the wilderness protection system. We specifically object to the designation of this area as a national monument as stated in our correspondence with Congressman Ligosi for the following reasons.

We see no need to complicate the management of 16,000 acres of fine hunting and grazing lands with such status, and we would recommend that this be considered as a new wilderness area.

That concludes my comments at this time.

[The prepared statement of Mr. Blomeke follows:]

Colorado Wildlife Federation

P.O. Box 18887 • 1738 Pearl • Denver, CO 80218
303 830-2557

STATEMENT

Mr. Steve Blomeke
Executive Director, Colorado Wildlife Federation
1738 Pearl Street
Denver, Colorado 80203
(303) 830-2557

Presented to: U.S. Senate Committee on Energy and Natural Resources - Subcommittee on Public Lands.

Date: September 18, 1984

Mr. Chairman, my name is Steve Blomeke and I am Executive Director of the Colorado Wildlife Federation (CWF). We represent over 16,000 individual members in Colorado. We are the state affiliate of the National Wildlife Federation, our nation's largest citizen conservation organization. 90% of our individual members purchase at least one hunting or fishing license each year.

Our members regularly use the beautiful and scenic areas of our state to hunt, fish, hike and camp. Hunting and fishing alone are equal to the more well known skiing industry in terms of economic benefits to our state. A recent Colorado State University Economics Department study documented that hunting and fishing contribute over a billion dollars per year to our economy.

I mention these facts as an introduction to why wilderness designation is so important to us. Colorado is seeing tremendous growth and with that growth there is increased pressure on natural resources and wildlife. The west is changing and the need to protect certain areas is growing. If we are to have a place for wildlife in the future, it is essential that the designation of wilderness be made. The financial benefits of maintaining healthy wildlife and fisheries are tremendous. Without adequate habitat, we are in danger of destroying our rich wildlife heritage.

Our proposal asks for 820,085 acres. We continue to support this view. The three bills before you are the House Compromise (H.R. 5426), Senator Hart's Bill (S. 2032) and Senator Armstrong's Bill (S. 2916). Senator Hart's proposal is also the recommendation of the State of Colorado and is by far preferable.

The water language contained in Senator Armstrong's Bill is totally unacceptable. It is clearly a new issue that is unnecessary and should be dealt with if and when the Sierra Club litigation is final, not now. As a representative of hunters and fishermen, our organization is willing to address the water rights issue at a later time. It seems to me the U.S. Senate is the legislative body and should decide based on a current set of conditions and not try to base it's decision on anticipated action of the courts.

Before I get into our specific recommendations, I want to clear up a misunderstanding regarding the Division of Wildlife's view of Buffalo Peaks and the Piedra. Some have suggested that the DOW is supporting a smaller area for both of these areas. That is not the case and in fact their views on the number of acres to be included is in agreement with ours. Since they are an agency of state government, their official position is in support of Senator Hart's Bill.

Our recommendations on specific areas are as follows.

Buffalo Peaks - CWF proposes designation of 57,430 acres in the NWPS. Wilderness is very appropriate especially to protect and enhance year-round habitat for a large herd of Rocky Mountain bighorn sheep. In this regard we strongly support inclusion of the following parcels: (1) approximately 5,000 acres east of west and East Buffalo Parks, (2) approximately 5,000 acres south of Marmot Peak, (3) about 3,200 acres west of Black Mountain and (4) over 5,000 acres along the northeastern boundary of the area near Weston Pass.

Fossil Ridge - We feel it is appropriate to include this area in NWPS at this time. This is an extremely important area for wildlife and fisheries, with the area heavily utilized for big game production and guide and outfitters services during the fall hunting season.

Greenhorn Mountain - Inclusion of 22,360 acres in the NWPS is supported, which are essentially consistent with the boundaries of the original study area. In addition we support modifications of the boundary on the north side, if necessary, to include the full Greenhorn Trail in the NWPS. The proximity of this area to southeastern Colorado makes NWPS designation of this area especially important and significant.

Oh-Be Joyful (Raggeds Wilderness) - We support inclusion of 5,500 acres of this area in the NWPS. This area is contiguous to the Raggeds Wilderness area and addition would enhance recreational opportunities for the total area. It enjoys strong local support.

Piedra - Inclusion of 49,180 acres is supported. Reasons for this relate to the wild and scenic Piedra River and tributaries which drain from the area and to representation of montane ecosystems which are not well represented in Colordo's wilderness system. Additions to 49,180 acres on the west and north should be explored to determine if NWPS designation would appropriately tie in with the Wenemuche Wilderness. CWF supports inclusion at Weminuche Creek to protect habitat for the reintroduced River Otter, which needs the clean water and healthy fishery that wilderness protects.

Although there is some interest by wildlife managers in manipulating elk winter range in the southern part of the area, fragile highly erodible soils, and the existence of an elk migration route in the area seems to outweigh the benefits of habitat manipulation.

Sangre de Cristo - We support the inclusion of 248,000 acres with the understanding that this designation will not preclude recreational vehicle travel between private lands and the GreatSand Dunes National Monument and wilderness for wildlife management purpose (big game harvest and fisheries access) along the western boundary.

South San Juan - Designation of 32,800 acres in NWPS is supported. We are especially interested in expansion of the Quartz Creek area in wilderness area designation because of its importance for elk herds and their management in the area.

Spanish Peaks (Huajatalla) - addition of 19,250 acres is supported because of the importance of this area for deer, elk and wild turkey.

Spruce Creek (Hunter-Fryingpan) - We support this addition of 8,000 acres to the Hunter-Fryingpan wilderness area. Again, we are sympathetic to necessary habitat improvement projects for big game in the area and to appropriate exclusions from your proposed area recommendation.

St. Louis - Vasquez Peaks - The addition of 26,000 acres is supported with the understanding that the Little Vasquez Creek drainage is included. This is an important and critical elk summer range area.

West Needles - Weminuche additions support is given to inclusion of 33,000 acres as NWPS designation.Wheeler Geologic - CWF supports the addition of 29,350 acres in the NWPS. We specifically object to designation of this area as a National Monument as stated in our telegram that was sent to Representatives Wirth and Kogovsek of May 29, 1984, for the following reasons.

We see no need to complicate the management of 16,000 acres of fine hunting and grazing land with such status. The true Geologic area is less than 640 acres of land. It has been identified as a Special Interest Area by the Forest Service and a Colorado Natural Area by the Colorado State Natural Areas Program through cooperation between these two agencies. This will provide the necessary extra emphasis and management the area deserves and needs. To emphasize our opinion in an additional fashion, it is our understanding that National Park Service studies have not found this area to meet the general standards for National Monument status.

Designating it and the surrounding 16,000 acres as National Monument will bring about the exact opposite results that your original Wilderness proposal would have, especially in the way of roads. Although your proposed legislation would apparently provide for general National Forest multiple uses other than Timber Harvest (of which there is very little potential, anyway) the opportunity for controversy is endless. Regardless of legality, hunting and grazing in National Monuments always is attacked by certain national and local groups. We have no wish to even have this become a possibility. To repeat, National Monument status for this area is an unnecessary complicating factor to management by the Forest Service.

Cannibal Plateau - We support addition of 63,700 acres in the NWPS. Especially important is the protection of the contiguous area in the Powderhorn Primitive area as has been recommended by the U.S. Bureau of Land Management.

Davis Peak (Mt. Zirkel) - The addition of 22,340 acres in the Davis Park area is supported.

Lost Creek - We support 11,000 acres for inclusion in the NWPS. Specifically, we support the addition of the Ben Tyler Trail and Shutetown Creek areas, state mineral rights in these areas do not conflict with wilderness designation as the state has indicated its interest in exchanging those undeveloped subsurface rights.

Service Creek - Designation of 50,540 acres in the NWPS is supported with the understanding that the Green Creek area to the north is included to protect elk winter range and that the NWPS designation extends west to the present Forest Service boundary.

Williams Fork - CWF supports 45,500 acres of the Williams Fork FPA for inclusion in the NWPS. The area's proximity to the Front Range population centers, and the presence of a large elk herd, strongly justify protection. CWF is concerned about the exclusion of the northern section of Williams Fork to allow for water diversions by the Denver Water Board. The elk herd could be adversely affected by disturbance at the area and alteration of the habitat.

Senator WALLOP. Thank you.

Mr. Jarvis.

STATEMENT OF T. DESTRY JARVIS, VICE PRESIDENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. JARVIS. Thank you, Mr. Chairman. I am Destry Jarvis, vice president of the National Parks and Conservation Association.

For my testimony today I would like to limit my remarks to the National Park System wilderness proposals in Senator Armstrong's bill. They are not found in the other two bills before the committee.

We believe these parks merit wilderness designation. They were studied in the early seventies, and the proposals have been pending since that time. We believe that the time has come, is rapidly coming that these areas should be considered by the Congress for wilderness designation and should be designated.

There are a number of management factors, both constraints and opportunities, that wilderness designation provides which we think are meritorious for the purposes for which these areas were established, and I would be happy to go into those if you wish.

In particular, we think that wilderness designation for units of the National Park System is principally a statutory means of recognizing and honoring and assuring the continuity of the kind of management of wild conditions which Congress contemplated when the areas were designated and which we have the opportunity to designate and assure in perpetuity through the wilderness designation. That recognizes the good management that the National Park Service has provided over the years since these areas were designated.

Secondarily, we believe that the parks face a number of pressures for internal development, external impacts, and management requirements which wilderness designation would complement rather than complicate.

In particular, I would like to say that we have only a few very modest recommendations for change in Senator Armstrong's bill. By and large his bill for the three parks that it includes is quite good. There are, however, some very minor acreage discrepancies as you noted in the administration's testimony this morning. There are a few acreage differences, and we think that the committee should be very careful to look at the most recent administration recommendations in finalizing action on this bill.

In particular, there are two things I would like to mention. One, in the case of Rocky Mountain National Park, there are three old municipal dams in an area called the Wild Basin, and they have been the subject over the last 10 or more years of discussion and negotiation between the Park Service and the city of Longmont, CO. Those negotiations have in the last year concluded I think very happily for all considered with the decision that the dam should be removed and that the area in which they are found should be restored.

The city of Longmont has found alternative water supply much cheaper than would be possible in repairing these very deteriorated dam structures, and we think that this area should be designated for potential wilderness addition in Rocky Mountain National Park once the dam structures have been removed and the issue fully resolved.

In the case of Dinosaur National Monument, I would like to offer one addition which has not come up. There is an area called Daniel's Canyon which is contiguous to BLM land. It was a BLM wilderness study area which was dropped from further consideration because of the small acreage, less than 5,000 acres. We think that because it is contiguous with lands that would be designated as wilderness in this bill that a boundary adjustment to Dinosaur National Monument is called for with the addition of this former WSA to the monument and its concommitant designation as wilderness. It has quite spectacular resources in its own right.

It is the upper watershed of one of the major tributaries to Green River in the monument, and there are other valid reasons.

Senator WALLOP. Your time has run out. It is a minute over.

Mr. JARVIS. That's fine, sir. I just want to say in conclusion that we have heard others state at times that park wilderness designation is not important, and we should concentrate on Forest Service or BLM wilderness designation.

I would say that my organization disagrees with that. We think there are valid reasons why park designation is important, and I hope you will take that into consideration in this bill.

Thank you.

[The prepared statement of Mr. Jarvis follows:]

STATEMENT OF T. DESTRY JARVIS
VICE-PRESIDENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION
before the
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
U.S. SENATE
September 11, 1984

Mr. Chairman and other distinguished members of the Subcommittee, I am T. Destry Jarvis, Vice President of the National Parks and Conservation Association (NPCA). I am delighted to appear before the subcommittee today to discuss NPCA's recommendations with regard to additions to the National Wilderness Preservation System in the State of Colorado, particularly as they apply to S. 2916, introduced by Senator Armstrong.

NPCA has long been concerned with the preservation of outstanding natural and scenic areas, and, where appropriate, their inclusion in the Wilderness System. While we believe that there are numerous Forest Service lands in Colorado qualified for addition to the wilderness system, we would like to focus in our testimony today on those areas in and adjacent to units of the national park system. Thus, my comments today will be directed primarily at Section 3 of S. 2916 which adds lands within Rocky Mountain National Park, Dinosaur National Monument and Colorado National Monument to the Wilderness System.

First, let me say that we are very pleased to see that Senator Armstrong has included national park system wilderness in his bill--

National Parks and Conservation Association, 1701 Eighteenth Street, N.W., Washington, D.C. 20009
telephone (202) 265-2717

and has adopted the essence of the National Park Service's proposals for these three areas. Wilderness studies for many of the parks were completed in the early 1970s, yet little action has been taken on many of them. The time has come for Congress to consider these areas for wilderness designation. Basically, wilderness designation in national parks is simply a statutory means of recognizing, honoring and assuring the continuity of wild conditions in parks which have been preserved thus far as a result of the foresight of Congress and the good management of the National Park Service. Such designation will help our national parks withstand some of the current heavy development pressures to which they are being subjected. We congratulate Senator Armstrong for having the foresight to include national park wilderness in his bill.

While we are basically happy with the inclusion of these areas in S. 2916, we would like to propose a few minor adjustments to the bill which would help clarify the status of some areas in and adjacent to the park.

In Rocky Mountain National Park we would suggest that in the Wild Basin region of the Enos Mills unit where there are currently three dams located on city-owned inholdings--dams which are proposed to be purchased by the Park Service and then torn down--an amendment be included to provide that these areas be included as wilderness to be administratively designated once the purchase and demolition is complete. An amendment of this sort would recognize the fact that the city of Longmont and the park have spent years negotiating this purchase and that an agreement has been reached between these two parties. The river corridors and lakes associated with these dams are the most-often visited portions of the Wild Basin area and it makes little sense to omit them from the wilderness proposal.

We would also like to take this opportunity to publicly urge Secretary Clark to move forward with final approval of the agreement mentioned above. The city of Longmont is under orders to begin repairs to the dams and will commence work this spring if the settlement is not approved. Such repair work will jeopardize the settlement and may well end all hope that an agreement can be reached on this long-standing issue.

In addition to this proposed change at Rocky Mountain National Park, we believe a few other small boundary changes are needed for the Rocky Mountain wilderness proposal. These include a slight narrowing of the wilderness corridors in the vicinity of the Wild Basin areas mentioned above and addition of a few other small areas in the Enos Mills unit of the park. We would urge the committee to work closely with park staff on these additions and to assure that the proposal considered by the committee incorporates the most recent NPS recommendations for this park.

At Dinosaur National Monument, we are pleased with the recommendation for the park, but would like to suggest one modification. The House Public Lands and National Parks Subcommittee is currently considering legislation, H.R. 1214, that proposes to add a number of small Bureau of Land Management Wilderness Study Areas which were dropped from wilderness consideration in December 1982 and are adjacent to national park units, to these contiguous national parks. It is our understanding that the Park Service is currently putting the finishing touches on a study of the appropriateness of addition of these areas and has found many of them to be suitable additions to the national park system.

One such area is known as Daniel's Canyon (UT-040-414), a 2,476 acre unit adjoining the southwestern part of Dinosaur National Monument in northeastern Utah. Daniel's Canyon is a 1,600 foot deep narrow, steep-walled gorge, with great boulders, box-elder trees, chutes and ledges. The area provides a highly scenic visitor experience. Addition of Daniel's Canyon to Dinosaur National Monument would complement the park in a number of ways. It would bring a scenic stretch of Daniel's Canyon into the Monument and would also give watershed protection to the downstream stretch of Cub Creek in the Monument.

A timely revision of this bill would thus be an amendment adding Daniel's Canyon to Dinosaur National Monument and the inclusion of this new area in the wilderness proposal for the park. This would avoid the necessity for another wilderness bill to complete the wilderness "package" for this park.

We have no additional recommendations for the Armstrong bill with regard to the wilderness proposal for Colorado National Monument and, again, are glad to see that this area was included in the bill.

Finally, we would like to note that we are most pleased about the inclusion of the Sangre de Cristo Wilderness area. Passage of the bill would protect this area, reknowned for its outstanding beauty-- its towering peaks and scenic vistas -- and its outstanding primitive recreational opportunities. In addition, designation of this area as wildernss will increase protection for the wilderness areas in the eastern half of Great Sand Dunes National Monument which lies adjacent to the proposed Sangre de Cristo Wilderness area. While we wholeheartedly support inclusion of this area, we would favor an increase in acreage to the 235,000 acre level included in the House-passed bill, as well as the exclusion of motorized recreation as is consistent with the Wilderness Act.

In conclusion, we have heard it stated that Park Service wilderness is not as important as Forest Service wilderness and could be dropped from the bill in order to give it a greater chance of passage. We would argue emphatically that this should not be done. Park Service lands face many of the same threats as Forest Service lands and should unquestionably be retained in the Senate bill.

We thank you for this opportunity to testify and look forward to action on these bills this year. We would be happy to answer any questions you may have.

Senator **Wallop**. Mr. Strohl. Again, can we please indulge us so that others who come after still have their testimony to give?

STATEMENT OF LARRY STROHL, PRESIDENT, UNITED SPORTMEN'S COUNCIL OF COLORADO

Mr. **Strohl**. Thank you, Mr. Chairman. My name is Larry Strohl. I am president of the United Sportsmen's Council of Colorado, a nonprofit statewide coalition of over 50 sportsmen's groups that have over 30,000 members.

We are primarily interested in promoting good quality recreational opportunities for our hunters and fishermen.

After extensive consultation with our Colorado Division of Wildlife, we promote 18 areas containing approximately 840,000 acres for additions to the Colorado wilderness system. We feel this will be the last major addition to Forest Service lands in Colorado, and therefore urge you to consider our proposal.

Accordingly, we take our position on the basis that these areas' highest economic values are the wildlife values they hold that will produce quality hunting and fishing opportunity for generations.

As previously stated, hunting, fishing, and trapping generate over $1 billion to the Colorado economy annually, and in 1983 over 1.4 million licenses were sold in our State. The outfitting and guiding industry does more than $100 million of business annually in our State. Hunting, fishing, and outfitting all depend upon healthy wildlife populations which are dependent upon quality habitat.

Wilderness areas are especially important for big game and high country fishing. From our observation, Federal land management agencies rank wildlife and fish relatively low on their list of priorities. We, therefore, feel wilderness classification will help ensure the future of our wildlife and our sport.

While the current status of the boundaries are in a state of flux, there are areas we wish to state for the record that we feel are important to sportsmen. These are the expansion of the boundaries proposed by Senator Armstrong for Buffalo Peaks, Cannibal Plateau, South San Juans, and Sangre de Cristo, and recognition in the Armstrong bill of Fossil Ridge, Wheeler, St. Louis Peak, and Williams Fork, areas that have economic basis for use for the people of Colorado as wilderness.

While the designation of national parkland in the Armstrong bill does not add areas open to hunting, the protection of these areas to wildlife habitat have been recommended for several years, and we are happy to add our support to their inclusion into the Colorado wilderness system.

Lastly, we desire to see legislation this year. However, the language of section 7 regarding the reserved water rights must be addressed. We feel that the Wilderness Act does not preempt prior water rights established under other Federal or State statutes.

If Congress feels this matter to be of major importance, the parties involved should be requested to provide additional information for separate consideration of this issue.

Thank you, sir.

[The prepared statement of Mr. Strohl follows:]

Statement of Larry Strohl, President
United Sportsmen's Council of Colorado
on S. 2916, S. 2032, and H. R. 5426
(the Colorado Wilderness Bills of 1984)
Before the Senate Subcommittee on
Public Lands & Reserved Water
in Washington, D. C., on September 18, 1984

Mr. Chairman, Members of the Committee.

I am Larry Strohl, President of the United Sportsmen's Council of Colorado.

The United Sportsmen's Council of Colorado is a non-profit statewide coalition of 50 sportsmen's groups in the state with over 30,000 members.

Our organization is primarily interested in promoting good management of the state's superb wildlife, fisheries, and associated natural resources for their tremendous intangible values, as well as for quality hunting, fishing and wildlife observation.

Hunting, trapping and fishing generates over $2.5 billion to the economy of Colorado each year. More than 1.2 million licenses are sold annually in pursuit of these activities.

Also, Colorado has an important and growing outfitting and guiding industry that does more than $100 million worth of business a year. The basic resources of the industry are the public lands, waters and associated wildlife of Colorado.

Healthy and properly managed wildlife populations are dependent upon quality habitat. Undeveloped areas, such as wilderness, are especially critical for elk, bighorn sheep and mountain goats. These undeveloped areas also
provide watershed protection for trout fisheries.

Our main interest in seeking wilderness status for the various outstanding roadless areas in the Colorado Wilderness Bills before you today is to assure the permanency of wildlife habitat.

From our observations in Colorado, federal land management agencies have demonstrated by past practices that wildlife and fish rank relatively low on their list of priorities. A wilderness classification will help prevent practices that are not beneficial to wildlife and fish.
After very careful study by our organization and consultation with

wildlife managers in our Colorado State Division of Wildlife, our Board of Directors proposed that 18 areas consisting of approximately 840,000 acres of national forest lands in the state be set aside as wilderness.

So we are very pleased that you are considering the three most prominent Colorado Wilderness Bills at this time. We hope that you will weigh very heavily the wilderness and related wildlife values of the outstanding wild areas included in these bills.

I respectfully ask that the detailed narrative and maps of the 18 areas we recommend for addition to the Wilderness System in Colorado be included as part of my testimony for the hearing record.

In our judgment, all of the 18 areas qualify for and should be designated as wilderness.

I would like at this time to make a few comments regarding specific areas that reflect boundary differences we consider important among the bills.

Buffalo Peaks is an especially significant area less than 100 miles southwest of Denver. It provides essential wilderness habitat for one of Colorado's important herds of bighorn sheep.

To fully protect this sensitive species, the wilderness boundary in the Armstrong Bill should be adjusted to add back the four areas removed for manipulation of wildlife habitat.

Our State Division of Wildlife biologists say that wildlife habitat improvement is not needed in these small units. They believe the areas should be protected as wilderness for the benefit of the bighorn, elk and deer.

The **Cannibal Plateau** area, as proposed in the Armstrong Bill, needs to have included all of the high, open tundra of the plateau itself to make the wilderness boundary enforceable. Otherwise, it would be virtually impossible to prevent accidental or purposeful trespass by off-road vehicles into the Wilderness.

The three small but important areas which should be added at this time to the current South San Juan Wilderness are **V- Rock, Montezuma Peak** and **Chama Basin.**

The units are parts of the original 251,000 acre South San Juan Roadless Area. To our knowledge, there are no operable minerals in the three areas. Sawtimber is non-existent in Montezuma Peak and extremely limited in V-Rock. Developments proposed would result in the elimination of the valuable wilderness wildlife in the three areas.

For wildlife purposes, the undeveloped **Wheeler** area is an integral part of La Garita Wilderness. The two areas share a common boundary along the crest of the wild La Garita Mountains. Elk, bighorn sheep and other wilderness-associated wildlife move freely between the two areas.

Timber volumes are low and scattered in Wheeler. High-cost road construction in the steep-sloped area would make logging economically and environmentally undesirable. The sizeable elk herd in the area provides sportsmen with much quality wilderness hunting. Several outfitters and guides serve the area and bring in many thousands of dollars each year to the local economy. This industry is largely dependent upon Wheeler remaining undeveloped and wild. Local ranchers support wilderness status for the exceptional area.

Fossil Ridge is a major big-game area. It contains sizeable populations of elk, bighorn sheep and mountain goat--all wilderness-dependent species. Numerous natural lakes support excellent hike-in trout fishing. Wilderness big-game hunting, fishing and camping are very popular in the area. A substantial outfitting and guiding business takes visitors into the area and adds significantly to the local economy.

The Forest Service gave Fossil Ridge a very high wilderness quality rating, 22 out of a possible 28 points.

While some minerals are reported to be present in the area, especially limestone, their value is highly speculative. Limestone is available in numerous other locations outside wilderness. The wildlife and fisheries are real and renewable resources. They and the outfitting and guiding business will flourish in Fossil Ridge as long as it stays wild. A wilderness designation is the best way to assure this.

Williams Fork is one of extremely few major big-game and fisheries areas close to metropolitan Denver where many sportsmen can enjoy quality wilderness hunting and trout fishing. Elk, deer and bear are abundant in the area. The clear, cold South and Middle Forks of the Williams Fork River support thriving populations of rainbow, native cutthroat and Eastern brook trout. For a sportsman, it is like having a wildlife paradise almost in one's backyard.

The Forest Service rated the wilderness attributes of Williams Fork very high, 21 out of 28 points.

We urge wilderness status for this unusual area.

The Armstrong Bill contains a new provision concerning the right to the use or flow of water by the federal government in Colorado's designated national forest wilderness areas. The issue really applies to all national forest lands, not just wilderness areas. Therefore, we feel strongly that this matter should be considered under separate legislation. As applied here solely to the state's national forest wilderness areas, it has the effect of weakening the 1964 Wilderness Act in its mandatde to protect Colorado's national forest wilderness.

The Armstrong Bill also designates 443,000 acres of wilderness in our national park units: Rocky Mountain, Dinosaur and Colorado.

While we do not see wildlife and fisheries habitat in these park units immediately threatened, as in some of the national forest and Bureau of Land Management areas, we agree with Senator Armstrong that it is time that these park units be added to the National Wilderness System. They were recommended several years ago by the National Park Service, the President and Colorado's conservation groups. They are non-controversial. So we accept and support the Armstrong park wilderness proposals entirely.

With the important changes we have recommended in these remarks and our accompanying narrative, I urge prompt enactment of this legislation.

Thank you for the opportunity to present these comments.

Recommendation
United Sportsmen's Council of Colorado

LOST CREEK

Pike National Forest

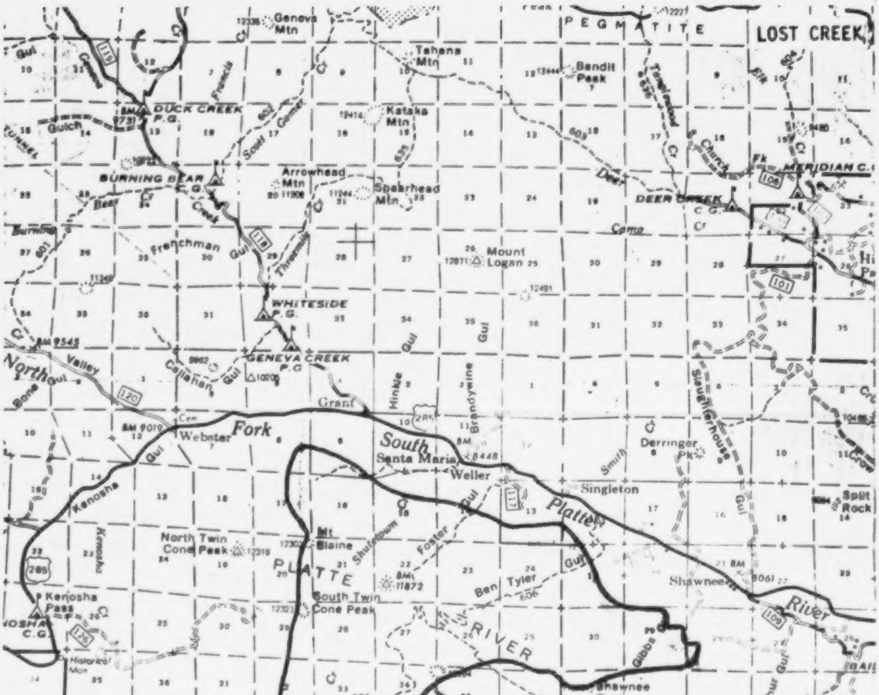
Study Area	22,300 acres
Hart bill	11,000 acres
Compromise House-passed bill	7,000 acres
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado recommendation	11,000 acres

The area is south of Grant in Park County. It is contiguous to the northwestern boundary of the current Lost Creek Wilderness and would make a logical addition to it to round out the present wilderness boundary.

The area contains deer and elk and provides quality wilderness hunting for Colorado hunters. It is only a one and a half hour drive from metropolitan Denver and readily available to sportsmen from this city.

Rock Creek drains south to Tarryall Creek. Numberous streams drain north to the North Fork of the South Platte River. It is important to preserve these watersheds for quality municipal water downstream.

There are no resource conflicts with our boundary, which has been carefully drawn to avoid any roads, logging or other developments.


PEGMATITE
LOST CREEK
Geneva Mtn
Tahana Mtn
Bandit Peak
Kataka Mtn
DUCK CREEK P.G.
BURNING BEAR C.G.
Arrowhead Mtn
Spearhead Mtn
Frenchman Gul
Mount Logan
WHITESIDE P.G.
GENEVA CREEK P.G.
MERIDIAN C.G.
DEER CREEK C.G.
Deer Cr
North Fork
Grant
Webster
South
Santa Maria
Weller
Platte
River
Singleton
Derringer Pk
Slaughterhouse Gul
Split Rock
Kenosha
Kenosha Pass
KENOSHA C.G.
North Twin Cone Peak
Mt Blaine
PLATTE
South Twin Cone Peak
Ben Tyler
Shawnee
RIVER
Gibbs
Shawnee Peak
USCC BDY
Craig Park
MOUNTAINS
KENOSHA
McArthur Gul
PAYNE
Clark Spr
Johnson
Rock Creek Cow Camp
Black Canyon
Lone Chimney Spr
Robbins Spr
Coleman Spr
LOST PARK ROAD
Long Gulch
Dunlap
Willow Spr
Dixon Spr
Porcupine Spr
Lee Gul
Radcliff
Mud Spr
North Tarryall Peak
Monkey Cr
South Fork
North Fork
Mud Hill
Creek
Hall Gul
Graveyard Gul
Reese Gul
Reese Spr
Topaz Mtn
No Name Cr
Bonus Cr
Gooseberry
Bordenville (SITE)
Hourglass Burn
Tarryall
285
120
126
127
128
101
109
134

Recommendation
United Sportsmen's Council of Colorado

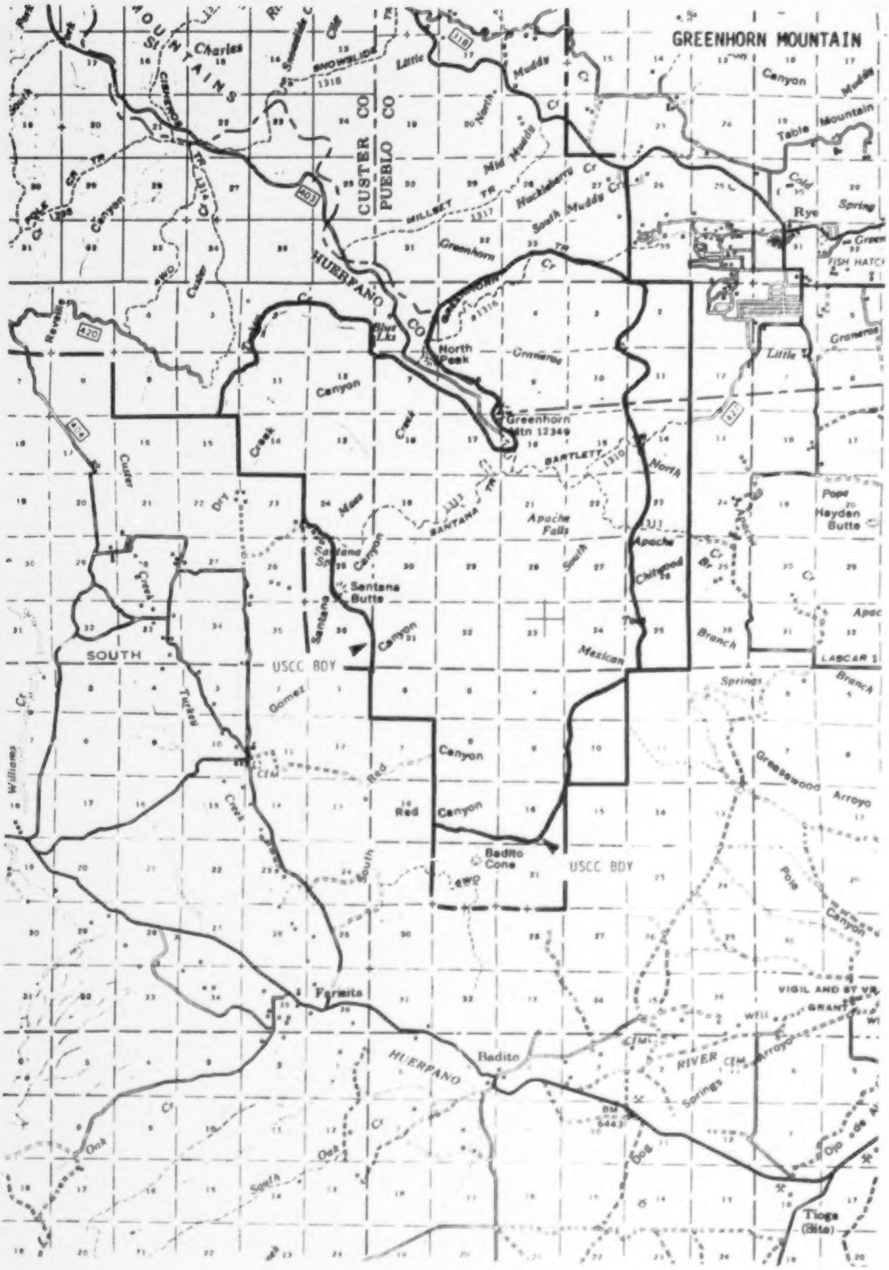
GREENHORN MOUNTAIN

San Isabel National Forest

Study Area	22,360 acres
Hart bill	22,360 acres
Compromise House-passed bill	26,000 acres
Armstrong bill	21,000 acres
United Sportsmen's Council of Colorado recommendation	25,000 acres

The proposed Greenhorn Mountain Wilderness is west of Rye in Huerfano and Pueblo counties. It is also close to Pueblo and Walsenberg, and sportsmen from these cities make substantial use of the area for wilderness purposes. The area contains elk, bighorn sheep and deer. The elk and bighorn sheep, especially, would benefit with the protection of their habitats as wilderness. Numerous streams drain into Turkey Creek, which forms the northwestern boundary of the proposed Wilderness and then turns south to drain into the Huerfano River.

There are no known resource conflicts in this area.


GREENHORN MOUNTAIN
CUSTER CO
PUEBLO CO
HUERFANO CO
MOUNTAINS
St. Charles
SNOWSLIDE
Little
North
Mid Mudds
Muddy Cr
Huckleberry Cr
South Muddy Cr
MILLSET TR
Greenhorn
Canyon
Table Mountain
Cold
Spring
Rye
FISH HATCH
Blue Lks
North Peak
Greenhorn Mtn 12349
BARTLETT
SANTANA TR
Graneros
Little
Pope
Hayden Butte
Apache Falls
South
Apache
Chilcoot
North
Santana Spgs
Santana Butte
Santana
Canyon
Mesa
Creek
Dry
Cuter
Creek
Mexican
Branch
LASCAR
SOUTH
USCC BDY
Gomez
Turkey
Williams
Cr
CEM
Red
Red Canyon
Canyon
Badito Cone
USCC BDY
Springs
Greasewood Arroyo
Pole Canyon
Farisita
Badito
HUERFANO
RIVER
CEM
Springs
Arroyo
WELL
VIGIL AND ST VR GRANT
BM 6443
Oak
South
Oak
Dos
Ojo de A
Tioga (Site)
Revelle
420
403
118
Cr

Recommendation
United Sportsmen's Council of Colorado

BIG BLUE WILDERNESS ADDITIONS

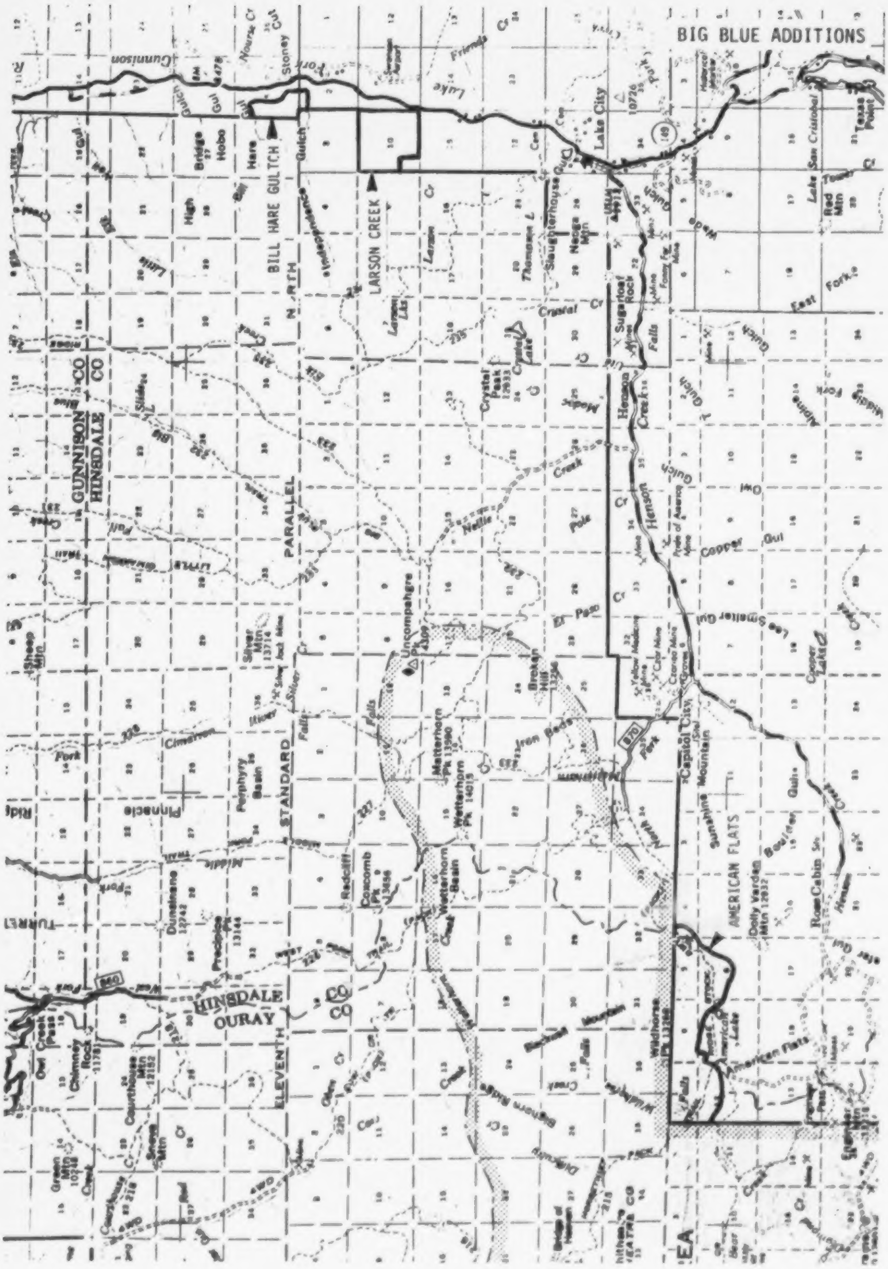
Uncompahgre National Forest and Bureau of Land Management

Study Area	5,980 acres
Hart bill	1,500 acres
Compromise House-passed bill	Not Addressed
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado recommendation	2,000 acres

There are three separate roadless areas, all administered by the Bureau of Land Management, that are contiguous to the Uncompahgre National Forest and the already established Big Blue Wilderness. They are Bill Hare Gulch, Larsen Creek and American Flats. The Bill Hare Gulch and Larsen Creek areas are north of Lake City in Hinsdale County. The American Flats area is west of Lake City and east of Ouray in Ouray County on the Hinsdale County line. All three areas are logical additions to the Big Blue Wilderness.

The areas are important summer range for elk, mule deer and other wildlife. American Flats contains the headwaters of Cow Creek and Wildhorse Creek which drains into Cow Creek. These are important native cutthroat trout streams whose watersheds deserve protection. The cutthroat requires high-quality water and cannot withstand roadside fishing pressure.

We are not aware of any resource conflicts in these areas.


BIG BLUE ADDITIONS
LARSON CREEK
BILL HARE GULTCH
NORTH
STANDARD PARALLEL
ELEVENTH STANDARD
GUNNISON CO
HINSDALE CO
HINSDALE CO
OURAY CO
AMERICAN FLATS
Lake City
Lake San Cristobal
Gunnison
Slaughterhouse Gul
Henson Creek
Capitol City
Sunshine Mountain
Uncompahgre Pk
Matterhorn Pk
Wetterhorn Pk
Wetterhorn Basin
Coxcomb Pk
Crystal Peak
Silver Mtn
Broken Hill
Sugarloaf Rock
Wildhorse Pk
Dolly Varden Mtn
Rose Cabin
Courthouse Mtn
Chimney Rock
Owl Creek Pass
Sheep Mtn
Dunsinane
Precipice Pk
Porphyry Basin
Pinnacle
Cimarron
Copper Gul
Lee Smelter Gul
El Paso Cr
Owl Gulch
Alpine Gulch
Uncompahgre Peak
Iron Beds
Larson Cr
Thompson L
Nellie Creek
Big Blue
Little Blue
Hobo Gul
Bridge Gul
Hare Gul
Stoney Cut
TURRET

Recommendation
United Sportsmen's Council of Colorado

OH BE JOYFUL

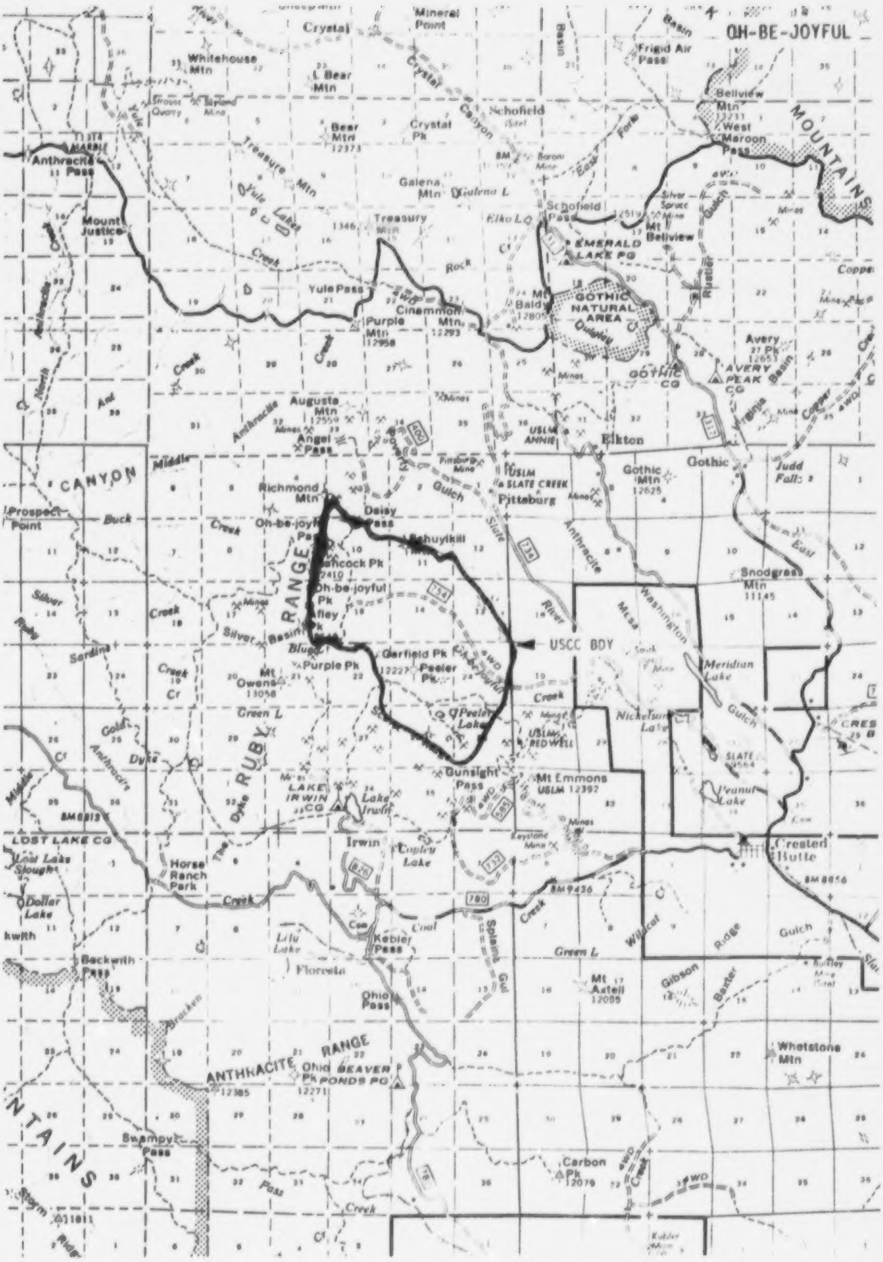
Gunnison National Forest

Study Area	5,500 acres
Hart bill	5,500 acres
Compromise House-passed bill	5,500 acres
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado recommendation	5,500 acres

The area is northwest of and close to Crested Butte in Gunnison County. It is contiguous to the current Ragged Wilderness Area.

The area's chief wildlife values are the trout in the numerous beautiful alpine lakes which drain into Oh Be Joyful Creek. These pristine lakes provide sportsmen with much hike-in type quality fishing.

While speculation regarding mineral potential of the area persists, we note that both the Hart and House-passed bills do not weigh this argument heavily for exclusion. Moreover, we believe that, in the long run, wilderness benefits outweigh any mineral values that might be found in the area.


Crystal
Mineral Point
OH-BE-JOYFUL
Whitehouse Mtn
Bear Mtn
Frigid Air Pass
Bellview Mtn
West Maroon Pass
MOUNTAINS
Schofield
Bear Mtn 12373
Crystal Pk
Anthracite Pass
Treasure Mtn
Galena Mtn
Gulena L
Mount Justice
Yule Lakes
Treasury Mtn
Elko LO
Schofield Pass
EMERALD LAKE PG
Silver Spruce Mine
Mt Bellview
Yule Pass
Cinnamon Mtn 12293
Mt Baldy 12805
GOTHIC NATURAL AREA
Purple Mtn 12958
Avery Pk 12653
AVERY PEAK CG
GOTHIC CG
Augusta Mtn 12559
Angel Pass
USLM ANNIE
Elkton
Gothic
Judd Falls
CANYON
Middle
Richmond Mtn
USLM SLATE CREEK
Pittsburg
Gothic Mtn 12625
Prospect Point
Buck
Oh-be-joyful Pass
Daisy Pass
Schuylkill
Hancock Pk
Oh-be-joyful Pk
Afley Pk
RUBY RANGE
Snodgrass Mtn 11145
Washington
Silver Basin
Bluff
Purple Pk
Garfield Pk 12227
Peeler Pk
USCC BDY
Meridian Lake
Mt Owens 13058
Green L
Peeler Lake
Nicholson Lake
USLM REDWELL
SLATE
Peanut Lake
LAKE IRWIN CG
Lake Irwin
Gunsight Pass
Mt Emmons USLM 12392
Irwin
Keystone Mine
Crested Butte
LOST LAKE CG
Lost Lake Slough
Horse Ranch Park
Dollar Lake
Copley Lake
Coal
Creek
Kebler Pass
Lily Lake
Floresta
Green L
Wildcat
Gibson Ridge
Gulch
Beckwith Pass
Ohio Pass
Mt Axtell 12089
Baxter
ANTHRACITE RANGE
Ohio Pk 12271
BEAVER PONDS PG
Whetstone Mtn
Swampy Pass
NTAINS
Carbon Pk 12079
Pass Creek

Recommendation
United Sportsmen's Council of Colorado

FOSSIL RIDGE

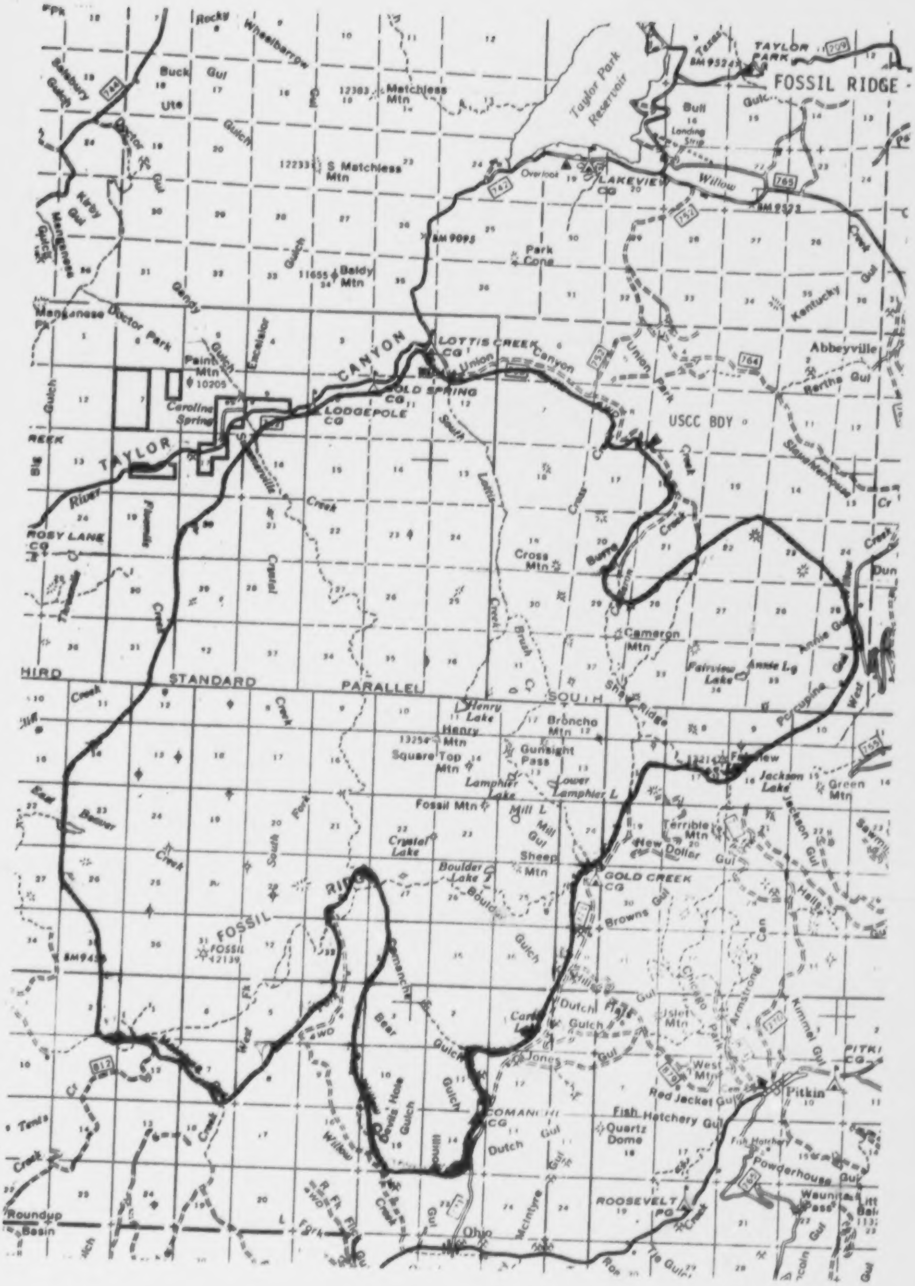
Gunnison National Forest

Study Area	47,400 acres
Hart bill	55,560 acres
Compromise House-passed bill	Retained as a Wilderness Study Area
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado recommendation	57,200 acres

The area lies immediately northeast of Gunnison and northwest of Pitkin in Gunnison County.

Very important values of the area to wilderness sport hunting, fishing and camping are a large elk population, deer, mountain goats, bighorn sheep and numerous trout-filled natural lakes and streams that drain into the Taylor and Tomichi rivers. Outfitting and guiding is also an important industry in this area which adds to the economy of Gunnison and nearby communities. This industry largely depends on keeping the Fossil Ridge area undeveloped and wild. The well-being of the large elk herd, as well as the mountain goats and bighorn sheep, is dependent on retaining the area in a wilderness condition.

We are aware that some mineral values, especially limestone, are deemed to be present in the area. However, no high concentrations of ore have been reported, and limestone is a common mineral that is available in numerous other locations without impairing wilderness values. More economically mineable deposits exist outside the area, and we deem the wildlife and fishery values to exceed the net economic value of minerals within the unit.


TAYLOR PARK
FOSSIL RIDGE
Taylor Park Reservoir
Bull Gulc
Landing Strip
Overlook
LAKEVIEW CG
Willow
BM 9524
BM 9522
Buck Gul
Ute
Rocky
Wheelbarrow
12383 Matchless Mtn
12233 S Matchless Mtn
11655 Baldy Mtn
BM 9095
Park Cone
Kentucky Gul
Abbeyville
Bertha Gul
Manganese Pk
Doctor Park
Doctor Gul
Gandy Gulch
Excelsior
Paint Mtn 10205
Caroline Spring
CANYON
LOTTIS CREEK CG
Union Canyon
Union Park
COLD SPRING CG
LODGEPOLE CG
USCC BDY
TAYLOR River
ROSY LANE CG
South Lottis Creek
Cross Creek
Cross Mtn
Brush Creek
Cameron Mtn
Fairview Lake
Annie L
Annie Gul
Porcupine Gul
STANDARD PARALLEL SOUTH
Henry Lake
13254 Henry Mtn
Square Top Mtn
Broncho Mtn
Gunsight Pass
Lamphier Lake
Lower Lamphier L
Fossil Mtn
Mill L
Mill Gul
Sheep Mtn
Boulder Lake
Crystal Lake
Fairview
Jackson Lake
Jackson Gul
Green Mtn
Terrible Mtn
New Dollar Gul
GOLD CREEK CG
Browns Gul
East Beaver Creek
South Fork
FOSSIL RIDGE
FOSSIL 12139
BM 9433
Comanche
Bear Gulch
Gulch
Dutch Flats
Islet Mtn
Chicago Park
Armstrong
Kimmel Gul
West Mtn
Red Jacket Gul
Pitkin
PITKIN CG
Fish Hatchery Gul
Quartz Dome
COMANCHE CG
Dutch
McIntyre Gul
Devils Hole Gulch
Willow
Illinois
Ohio
ROOSEVELT PG
Powderhouse Gul
Waunita Pass
Roundup Basin
Tenis Creek
744
742
752
765
764
769
812
209

Recommendation
United Sportsmen's Council of Colorado

CANNIBAL PLATEAU-POWDERHORN

Gunnison National Forest and Bureau of Land Management

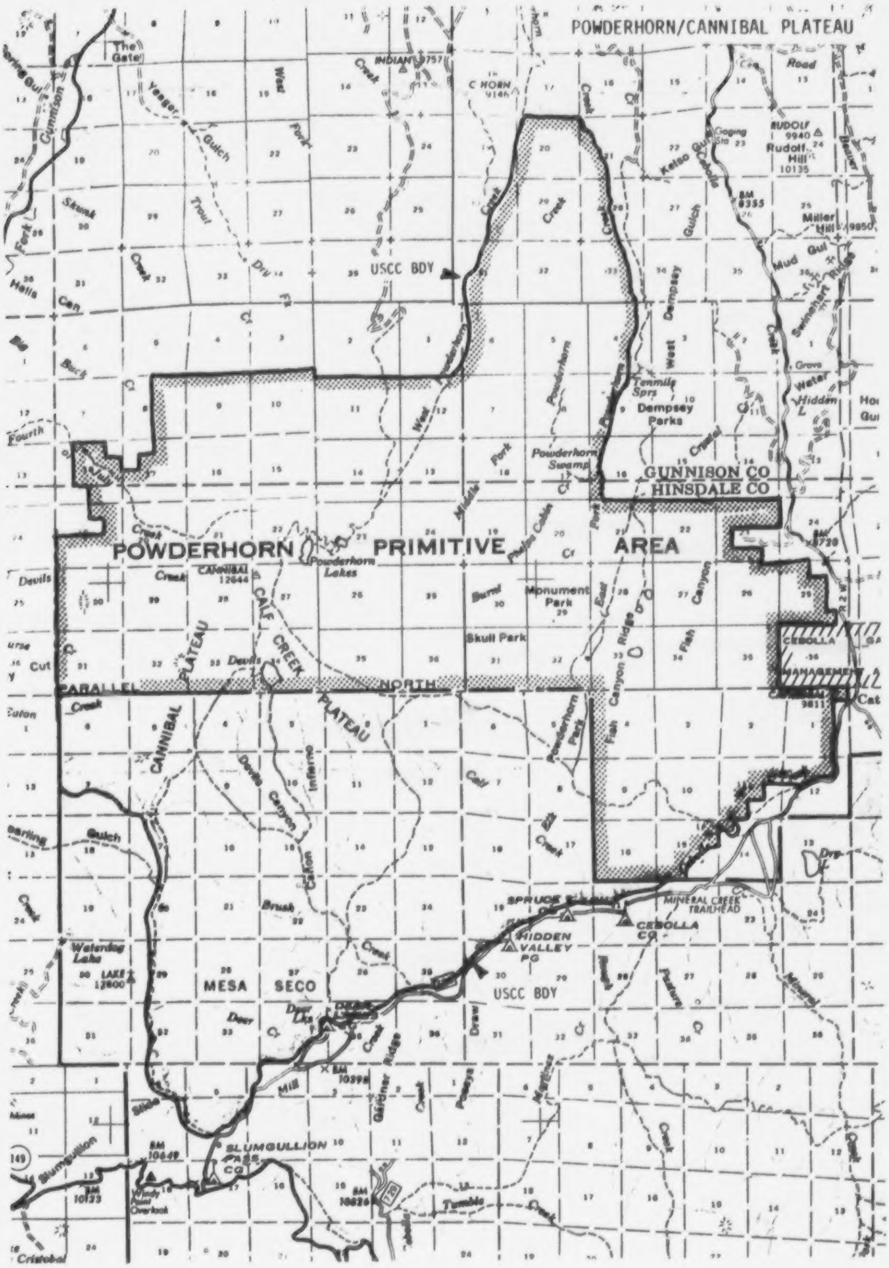
Study Area	82,130 acres
Hart bill	63,600 acres
Compromise House-passed bill	21,000 acres (Cannibal only)
Armstrong bill	56,911 acres
United Sportsmen's Council of Colorado recommendation	61,700 acres

The proposed Cannibal Plateau-Powderhorn Wilderness lies northeast of Lake City in Hinsdale and Gunnison counties. Important wildlife values to sportsmen are undisturbed deer and elk range, elk calving grounds, numerous quality trout streams and small natural lakes. Calving elk need remoteness and solitude. The high tundra of this area is also major habitat for ptarmigan--a species associated with wilderness.

The Forest Service's Cannibal Plateau roadless unit and the Bureau of Land Management's Powderhorn Primitive Area have a common boundary across the Cannibal and Calf Creek Creek plateaus. These form the largest undeveloped expanse of alpine tundra in the lower 48 states. They are of major interest to nature scientists, who are conducting research annually in the area.

Both areas deserve wilderness protection, as proposed in the Armstrong Bill. However, the Armstrong measure leaves out two important portions of the Cannibal Plateau area that should be protected as wilderness. They are Mesa Seco and the southern part of the Cannibal Plateau itself.

Mesa Seco is the principal source of the scientific research. The research depends on an undisturbed, natural environment. Also, exposing the southern part of the plateau itself to off-road vehicle use will make management of this proposed Wilderness extremely difficult. Motorbikers and snowmobilers traveling on the southern part of the plateau will be unable to identify the wilderness boundary on the open, level tundra. Therefore, all of the southern part of the plateau should be included as wilderness.



POWDERHORN/CANNIBAL PLATEAU

POWDERHORN PRIMITIVE AREA
CANNIBAL PLATEAU
CALF CREEK PLATEAU
PARALLEL
NORTH
MESA SECO
GUNNISON CO
HINSDALE CO
CEBOLLA MANAGEMENT A
USCC BDY
The Gate
Gunnison
Yeager Gulch
Trout
Dry Fk
West Fork
INDIAN 9757
C HORN 9146
RUDOLF 9940
Rudolf Hill 10135
Miller Hill 9850
Mud Gul
Kelso Gul
Dempsey Gulch
West Dempsey
Tenmile Sprs
Dempsey Parks
Powderhorn Swamp
Powderhorn Lakes
CANNIBAL 12644
Monument Park
Skull Park
Fish Canyon Ridge
Fish Canyon
Powderhorn Park
Devils Lake
Devils Canyon
Infierno
Cañon
Brush Creek
Elk Creek
Calf
Deer Cr
Deer Lks
Gulch
Watering Lake
LAKE 12800
SPRUCE CG
CEBOLLA CG
HIDDEN VALLEY PG
MINERAL CREEK TRAILHEAD
SLUMGULLION PASS CG
Slumgullion
Windy Point Overlook
Mill Creek
Gardner Ridge
Tumble Creek
Cristobal
149
Mineral
Hidden L
Grove
Water
Crystal
Devils
Skunk
Hells Cañ
Fourth
Cut
Cañon

Recommendation
United Sportsmen's Council of Colorado

DAVIS PEAK ADDITION
(to Mount Zirkel Wilderness)

Routt National Forest

Study Area	9,500 acres
Hart bill	22,340 acres
Compromise House-passed bill	18,000 acres
Armstrong bill	8,100 acres
United Sportsmen's Council of Colorado recommendation	18,000 acres*

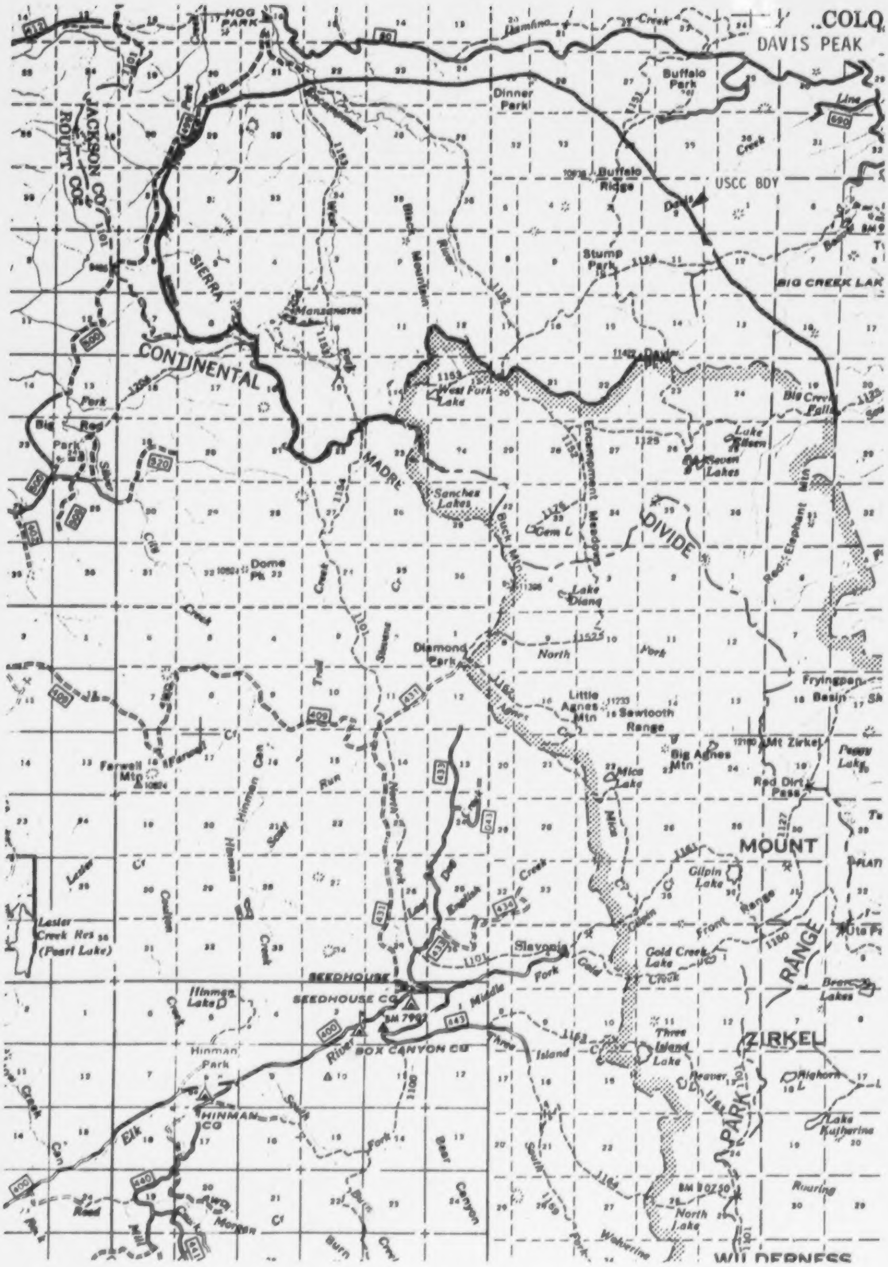
The area is northeast of Steamboat Lake in Jackson County. It is contiguous to the northern boundary of the current Mount Zirkel Wilderness.

The area contains the undeveloped headwaters of the Encampment River which has been recommended by the President and the U.S. Forest Service for "wild river" status and inclusion in the National Wild and Scenic Rivers System. The Encampment River and its tributaries are important wild trout fisheries. The area provides excellent habitat for elk, deer and black bear, which support quality, wilderness-type hunting.

There are no known resources conflicts with our proposed boundaries.

*Although the United Sportsmen's Council of Colorado originally recommended that 12,000 acres of the Davis Peak area be designated as wilderness, we have recently checked with the State Division of Wildlife and have been advised that the Division has no objection to extending the wilderness boundary on the southwest to include the summit and northern slope of the Continental Divide; on the west to, but not including, the South Fork Hog Park four-wheel drive road; and on the southeast to Big Creek Falls on the northeastern boundary of Mount Zirkel Wilderness.

Accordingly, the inclusion of these additional small units, totalling about 6,000 acres, is acceptable to us.


HOG PARK
COLO
DAVIS PEAK
Dinner Park
Buffalo Park
Creek
Line
JACKSON CO
ROUTT CO
Buffalo Ridge
USCC BDY
SIERRA
Manzanares
Black Mountain
Stump Park
BIG CREEK LAKE
CONTINENTAL
West Fork Lake
Big Creek Falls
Lake Eileen
Seven Lakes
Big Red Park
MADRE
Sanchez Lakes
Encampment Meadows
Buck Mtn
Gem L
DIVIDE
Red Elephant Mtn
Dome Pk
Lake Diana
Diamond Park
North Fork
Fryingpan Basin
Little Agnes Mtn
Sawtooth Range
Big Agnes Mtn
Mt Zirkel
Farwell Mtn
Mica Lake
Red Dirt Pass
MOUNT
Gilpin Lake
Front Range
RANGE
Lester Creek Res (Pearl Lake)
Slavonia
Gold Creek Lake
SEEDHOUSE
SEEDHOUSE CG
Hinman Lake
Middle Fork
BOX CANYON CG
ZIRKEL
Hinman Park
Three Island Lake
Bighorn L
HINMAN CG
Elk River
Lake Katherine
PARK
Bear Lakes
North Lake
Roaring
Wolverine
Bear Canyon
Morgan
WILDERNESS

Recommendation
United Sportsmen's Council of Colorado

SERVICE CREEK

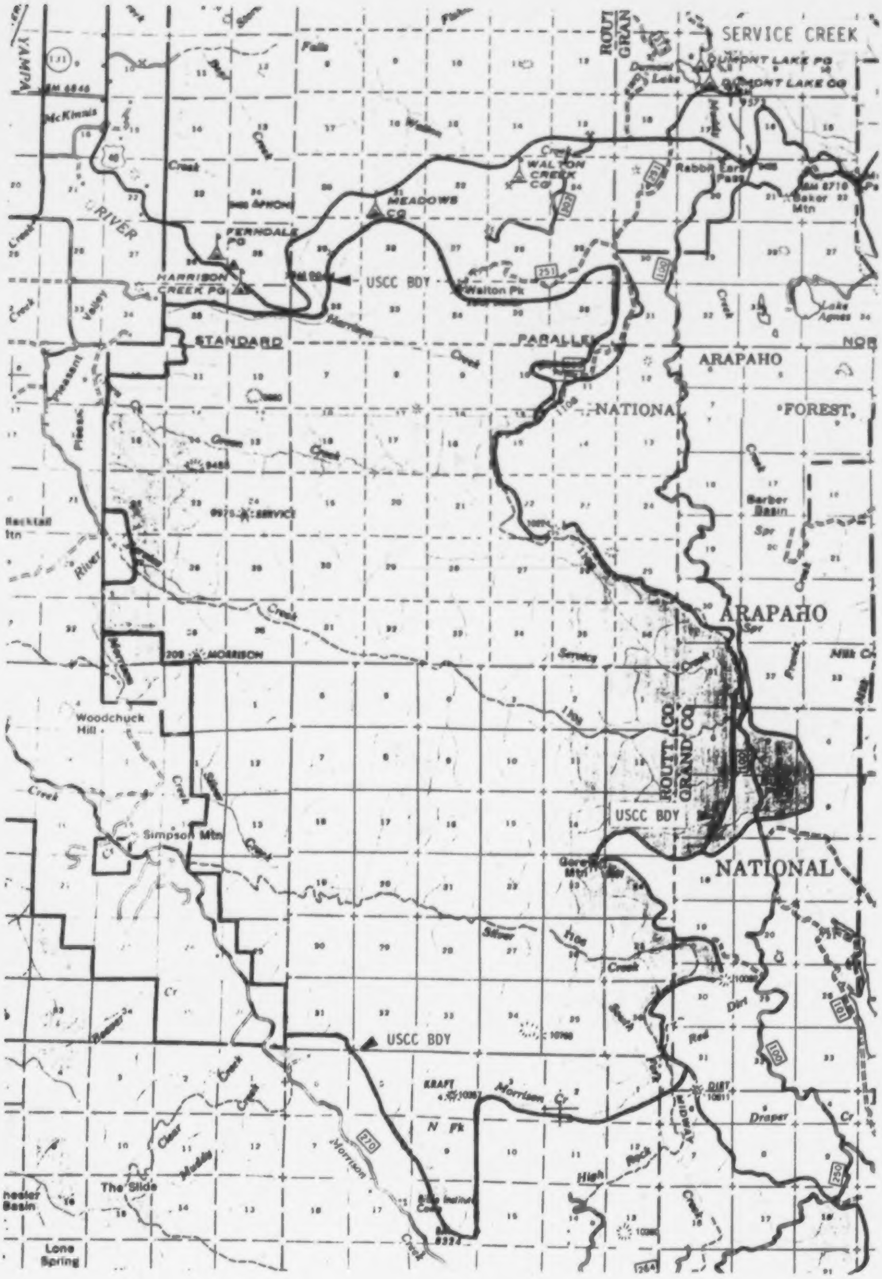
Routt National Forest

Study Area	39,940 acres
Hart bill	50,540 acres
Compromise House-passed bill	48,500 acres
Armstrong bill	39,860 acres
United Sportsmen's Council of Colorado recommendation	57,000 acres

This superb wild area is southeast of Steamboat Springs in Routt and Grand Counties. It contains a large elk herd which provides Colorado sportsmen and non-residents with substantial wilderness hunting. Also, the major trout streams of the area are Service, Silver, Harrison and Green Creeks which drain into the Yampa River. These wild streams support excellent trout fishing, which would benefit from a wilderness classification.

We have adjusted our proposed wilderness boundary from that proposed by the Armstrong Bill and the Forest Service, to incorporate the undeveloped Harrison Creek and Green Creek drainages on the north. These are major winter ranges for the large elk herd. The drainages are subject to speculative ski development and condominiums which, if built, would wipe out the use of the winter range by the elk and greatly reduce the elk herd. With loss of the large elk herd, the Service Creek Wilderness would be incomplete and of minimal value to sportsmen.

For similar reasons on the south, we have extended our wilderness boundary to pick up the undeveloped drainages of the South Fork of Silver Creek and Morrison Creek, as indicated on our map sketch.


SERVICE CREEK
DUMONT LAKE PG
DUMONT LAKE CG
Dumont Lake
YAMPA
McKinnis
RIVER
Rabbit Ears Pass
Baker Mtn
WALTON CREEK CG
MEADOWS CG
FERNDALE PG
HARRISON CREEK PG
USCC BDY
Walton Pk
Harrison
Lake Agnes
STANDARD
PARALLEL
ARAPAHO
NATIONAL
FOREST
Valley
Pleasant
Creek
River
Barber Basin
Spr
ARAPAHO
MORRISON
Milk Cr
Service
Woodchuck Hill
ROUTT CO.
GRAND CO.
USCC BDY
Simpson Mtn
NATIONAL
Gore Mtn
Silver
Creek
Red
Dirt
USCC BDY
KRAFT
Morrison
Cr
N Fk
DIRT
Draper
Cr
Clear
Muddy
Creek
Morrison
The Slide
Chester Basin
Lone Spring
High
Rock
Creek
Bills Institute Camp
Creek
40
131
14
251
100
270
101
134
264

Recommendation
United Sportsmen's Council of Colorado

SPANISH PEAKS

San Isabel National Forest

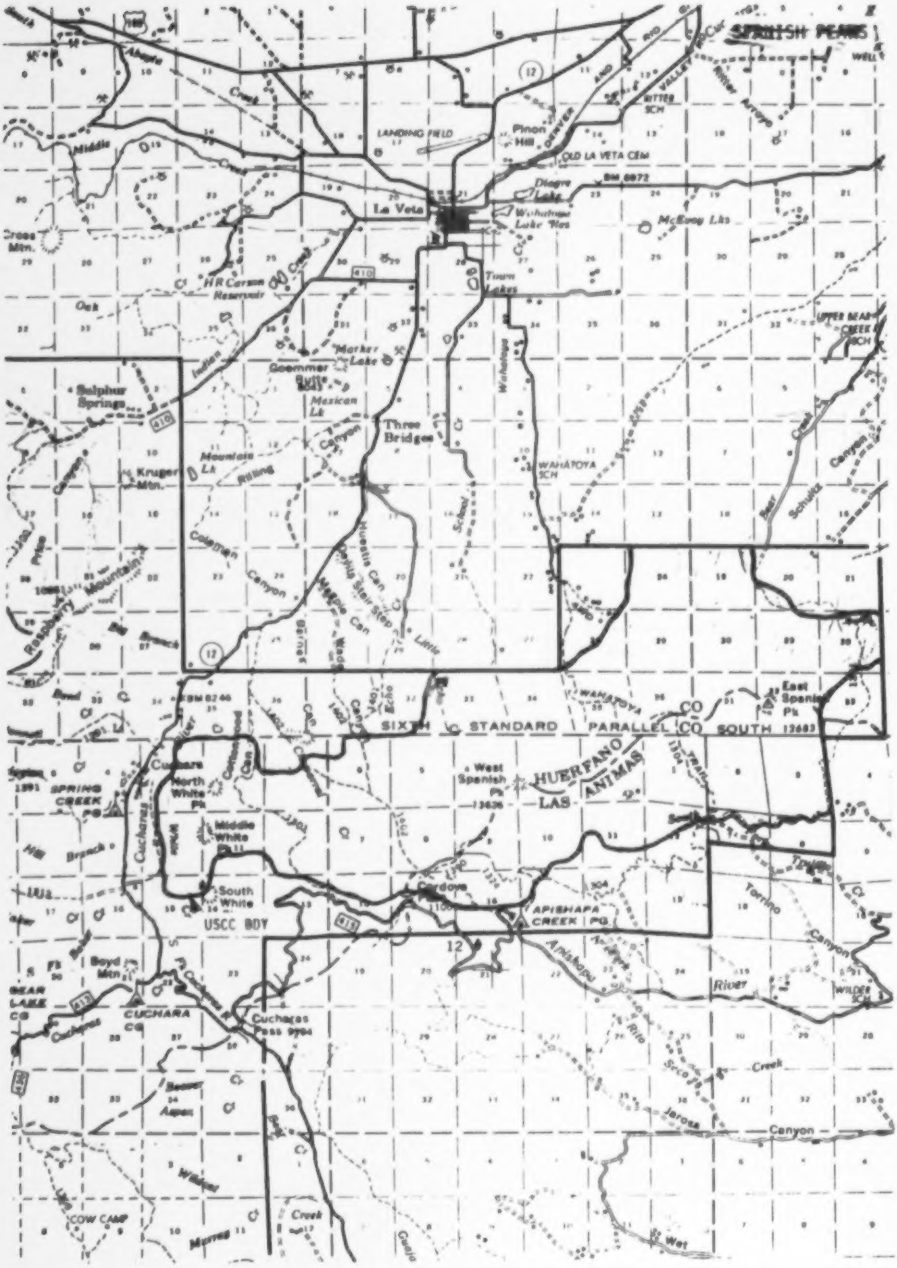
Study Area	19,570 acres
Hart bill	19,250 acres
Compromise House-passed bill	18,000 acres
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado recommendation	19,570 acres

The proposed Spanish Peaks Wilderness is south of La Veta in Huerfano and Las Animas counties. It is near Trinidad. It represents the only opportunity to designate wilderness near this population center, so that more sportsmen, now and in the future, can enjoy wilderness hunting, camping and wildlife observation.

The area provides excellent deer, elk and spring turkey hunting. The elk and the turkey are sensitive species which require undisturbed wild habitats, away from man and his developments.

The major drainage is the Apishapa River south of the area.

The Forest Service originally recommended the Spanish Peaks for wilderness status, and there is no good reason why it should not be consistant and propose this outstanding area for wilderness now. It should be noted that the old abandoned mines in the area have generally been unprofitable, and there should be no major problem in resolving any conflict that might occur with them.


SPANISH PEAKS
Abeyta
Creek
Middle
Creek
LANDING FIELD
Pinon Hill
DENVER AND RIO GRANDE
VALLEY
RITTER SCH
Ritter Arroyo
OLD LA VETA CEM
Daigre Lake
BM 6972
La Veta
Wahatoya Lake Res
McEvoy Lks
Cross Mtn.
H R Carson Reservoir
Town Lakes
Oak
Indian
410
12
160
Goemmer Butte 8041
Marker Lake
Mexican Lk
Sulphur Springs
Three Bridges
UPPER BEAR CREEK SCH
Mountain Lk
Rilling
Canyon
Kruger Mtn.
WAHATOYA SCH
Wahatoya
School
Bear
Creek
Schultz
Canyon
Price
Canyon
Coleman
Canyon
Raspberry Mountain
Big Branch
Huerfano Can
Spring Stair Step
Medine Can
Little
BM 8246
Echo Can
Cottonwood Can
WAHATOYA
SIXTH STANDARD PARALLEL SOUTH
CO
CO
East Spanish Pk 12683
TRAIL
Cuchara
North White Pk
West Spanish Pk 13626
HUERFANO
LAS ANIMAS
SPRING CREEK PG
Middle White Pk
Hill Branch
Cucharas
South White
USCC BDY
Cordova
APISHAPA CREEK PG
Apishapa
River
Torrino
Canyon
WILDER SCH
Boyd Mtn
BEAR LAKE CG
CUCHARA CG
Cucharas Pass 9994
Rito
Seco
Creek
Jarosa
Canyon
Beaver
Aspen
Wilson
COW CAMP
Creek
Murray
Guajo
Wet

Recommendation
United Sportsmen's Council of Colorado

V-ROCK, MONTEZUMA PEAK, CHAMA BASIN
(South San Juan Wilderness Additions)

San Juan and Rio Grande National Forests

Study Area	32,800 acres
Hart bill	32,800 acres
Compromise House-passed bill	Retained as Wilderness Study Area
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado	55,200 acres

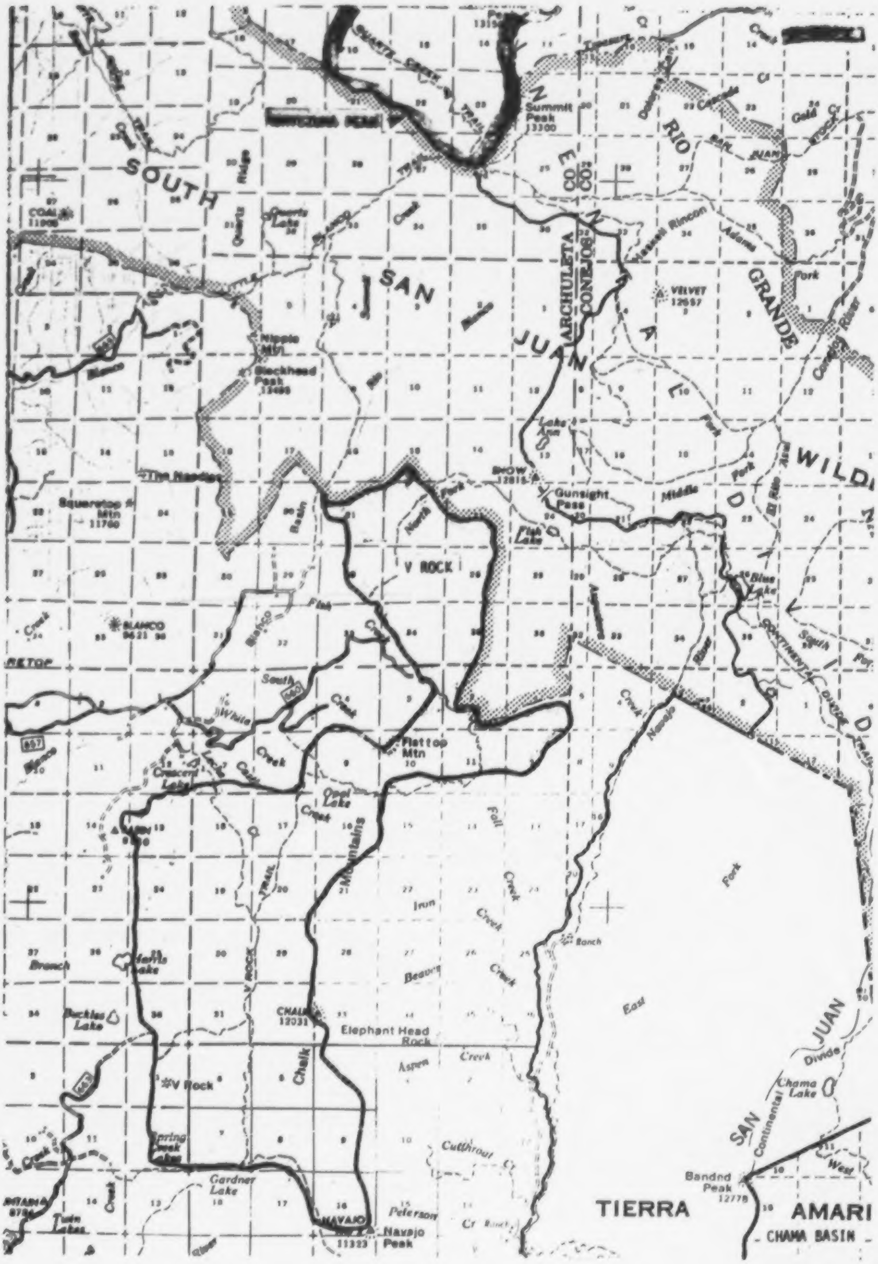
These areas are northeast and southeast of Pagosa Springs in Archuleta and Conejos counties. They are contiguous to the current South San Juan Wilderness and are logical additions to it. Along the Continental Divide near the Colorado-New Mexico border, they contain some of the most rugged wild mountain country in the state.

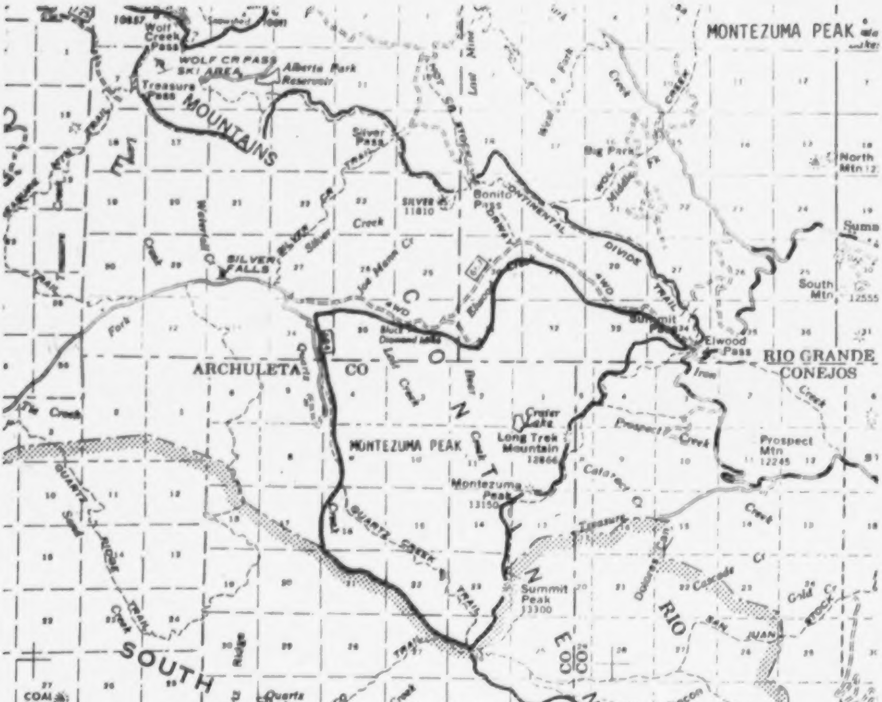
The proposed additions are inhabited by substantial populations of elk, deer and bighorn sheep. The noble grizzly bear was sighted near Montezuma Peak in 1979. The elk, bighorn sheep and grizzly bear require essentially a wilderness environment.

Much quality wilderness hunting, fishing, camping and sightseeing occur in these proposed additions and the already established South San Juan Wilderness. These uses would be assured and enhanced in the additions with a wilderness classification.

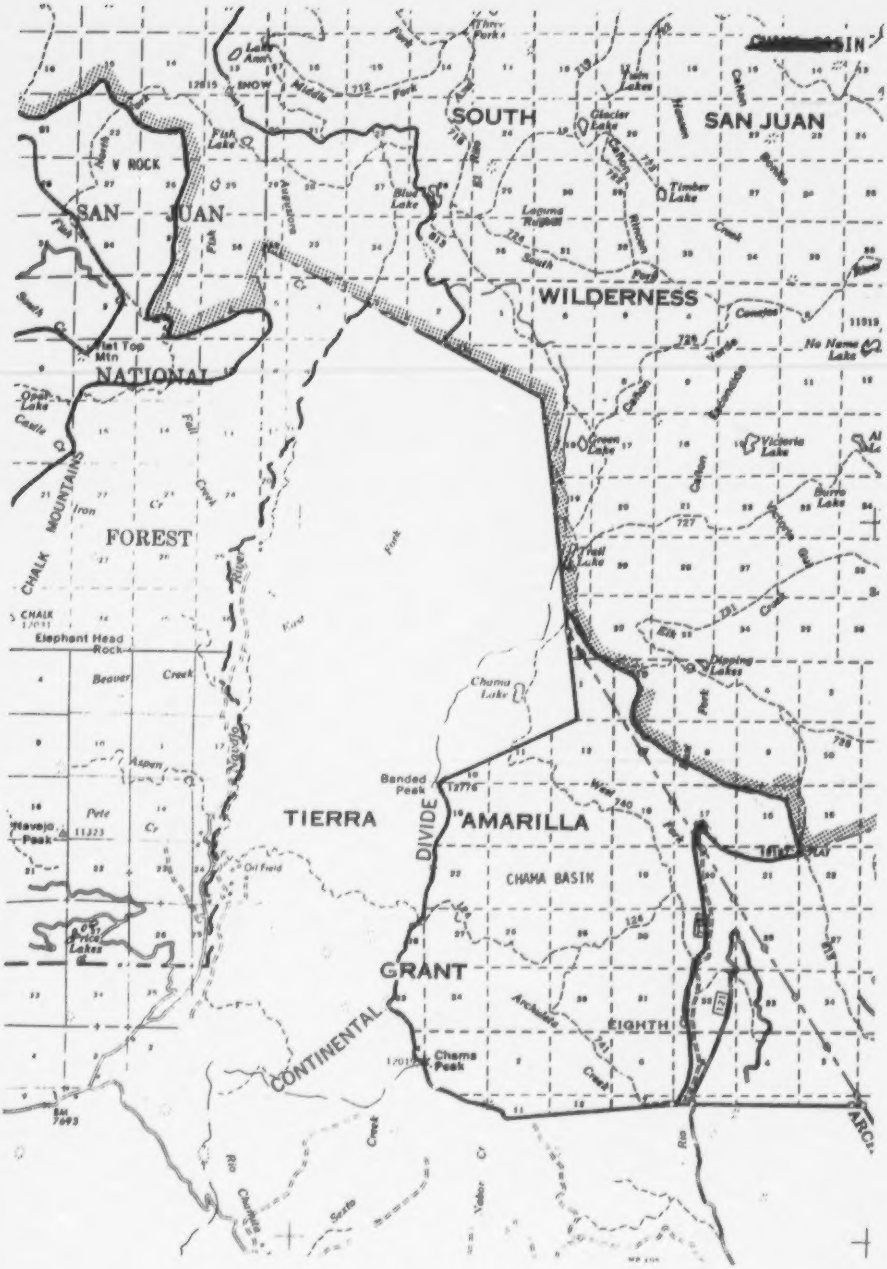
Montezuma Peak lacks operable timber, and the volume of merchantable sawtimber in V-Rock is very low.

We are recommending the addition of Chama Basin to the southern end of the South San Juan Wilderness because of its major importance as an elk range and the need to protect undeveloped Archuleta Creek--a high quality native cutthroat and rainbow trout stream.


SOUTH
SAN
JUAN
RIO
GRANDE
WILD
ARCHULETA
CONEJOS
Summit Peak 13300
VELVET 12657
Blackhead Peak 13495
Nipple Mtn
Squaretop Mtn 11760
The Needles
BLANCO 9621
V ROCK
SNOW 12815
Gunsight Pass
Fish Lake
Blue Lake
Flattop Mtn
Crescent Lake
Opal Lake
Mountains
Harris Lake
Buckles Lake
V Rock
CHALK 12031
Elephant Head Rock
Chalk
Spring Creek Lake
Gardner Lake
NAVAJO 11323
Navajo Peak
Twin Lakes
Iron Creek
Beaver Creek
Fall Creek
Aspen Creek
Cutthroat Cr
Peterson Cr
East Fork
Middle Fork
North Fork
Navajo River
Continental Divide
SAN JUAN
Chama Lake
Banded Peak 12778
TIERRA
AMARI
CHAMA BASIN
Quartz Lake
Lake Ann
Adams Fork
Hansell Rincon
COAL 11909



MONTEZUMA PEAK
10857
Wolf Creek Pass
WOLF CR PASS SKI AREA
Alberta Park Reservoir
Treasure Pass
MOUNTAINS
Silver Pass
SILVER 11810
Creek
Waterfall C
SILVER FALLS
Silver
Joe Mann Cr
Lost
Mine
Bonito Pass
Big Park
Middle Fk
West Fork
Creek
North Mtn
CONTINENTAL DIVIDE TRAIL
4WD
South Mtn 12555
Summit Pass
Elwood Pass
RIO GRANDE
CONEJOS
Iron
Creek
Fork
Creek
ARCHULETA CO
Blue & Diamond Lakes
Crater Lake
Long Trek Mountain 12866
MONTEZUMA PEAK
Montezuma Peak 13150
Prospect Creek
Prospect Mtn 12245
Cataract Cr
Treasure
Creek
Cr
QUARTZ CREEK TRAIL
Summit Peak 13300
Cascade
Gold Cr
RIO
SAN JUAN
QUARTZ
Sand
RIDGE TRAIL
Creek
SOUTH
Ridge
Quartz
Quartz Lake
BLANCO
Creek
COAL 11908
CO
CO
ARCHULETA
CONEJOS
Haskell Rincon
Adams
Fork
GRANDE
Conejos River
VELVET 12657
SAN
JUAN
Summit
Blanco
Rin
Nipple Mtn
Blackhead Peak 12495
Blanco
665
Lake Ann
SNOW 12815
Gunsight Pass
Fish Lake
Middle Fork
El Rito Azul
WILDE
The Needles
Squaretop Mtn 11780
Basin
North Fork
V ROCK
Blue Lake
CONTINENTAL DIVIDE TRAIL
South Fork
BLANCO 9621
Blanco
Fish Creek
Creek
Navajo River
Creek
South
657
White Creek
Crescent Lake
Flattop Mtn
Blanco
SQUARETOP
N
A
L
D
V
D


Three Forks
Lake Ann
12015
SNOW
Middle
Fork
712
[redacted]SIN
Twin Lakes
SOUTH
SAN JUAN
Glacier Lake
Fish Lake
V ROCK
SAN
JUAN
Blue Lake
Timber Lake
Laguna Rugbill
South
Fork
WILDERNESS
No Name Lake
Flat Top Mtn
NATIONAL
Opal Lake
Green Lake
Victoria Lake
Burro Lake
727
Iron
Cr
Fall
Creek
FOREST
CHALK MOUNTAINS
Trail Lake
East
Fork
Elk
731
Creek
Dipping Lakes
Elephant Head Rock
Beaver
Creek
Chama Lake
Aspen
Navajo
River
Banded Peak
12776
West
740
Fork
Navajo Peak
11323
Pole
Cr
TIERRA
DIVIDE
AMARILLA
CHAMA BASIN
Oil Field
Price Lakes
GRANT
121
CONTINENTAL
Archuleta
Creek
EIGHTH
Chama Peak
12019
Rio
Chama
Sexto
Creek
Rio
ARC

Recommendation
United Sportsmen's Council of Colorado

WEST NEEDLES/WEMINUCHE WILDERNESS ADDITIONS

San Juan National Forest

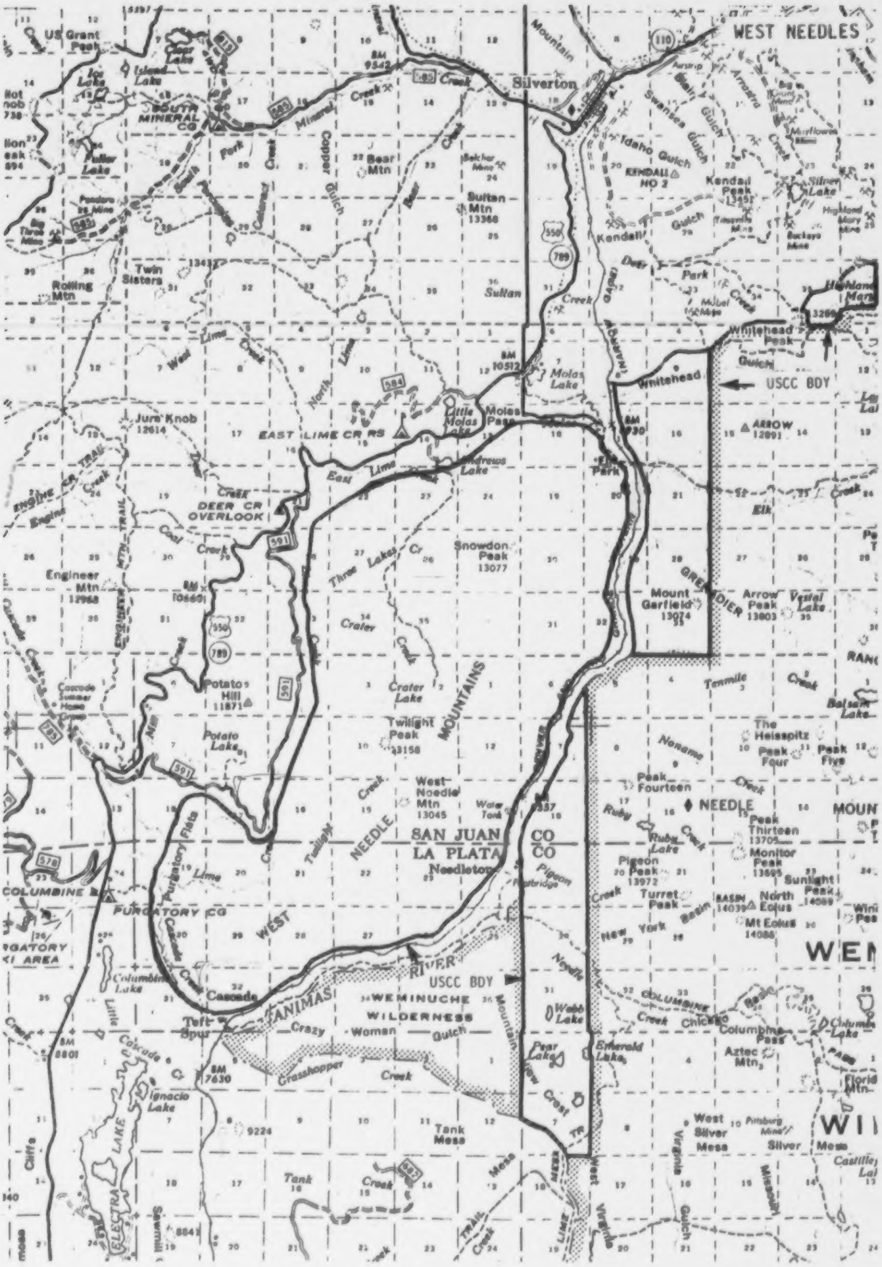
Study Area	34,300 acres
Hart bill	33,000 acres
Compromise House-passed bill	29,000 acres
Armstrong bill	28,700 acres
United Sportsmen's Council of Colorado	33,000 acres

The West Needles area is north of Durango and south of Silverton in San Juan and La Plata counties. Except for a boundary split along the Animas River, due to the narrow-gauge railroad, this area is contiguous to the western end of the current Weminuche Wilderness.

Also, three small roadless tracts adjoin the Weminuche Wilderness on the eastern side of the Animas River. They would round out the Weminuche Wilderness boundary on the eastern side of the Animas River Canyon and protect migration routes for elk, mountain goats and other wildlife between the Weminuche and West Needles wilderness areas.

The West Needles is an exceptionally fine big-game range, providing sportsmen with quality bowhunts for mountain goats. Elk, mule deer and other wildlife are also found in the area. We believe that all of Cascade Creek Canyon and the beaverponds of Purgatory Flats on the southern end of the West Needles area should be included within the Wilderness.

We are not aware of any resource conflicts within our boundaries. We enthusiastically support the inclusion of these areas in the Wilderness System.


WEST NEEDLES
US Grant Peak
Clear Lake
Ice Lake
Island Lake
SOUTH MINERAL CG
Fuller Lake
Mineral Creek
Silverton
Bear Mtn
Sultan Mtn
13368
Sultan
Twin Sisters
Rolling Mtn
Swansea Gulch
Idaho Gulch
KENDALL NO 2
Kendall Peak
Kendall
Silver Lake
Deer Park Creek
Highland Mary
Whitehead Peak
Whitehead
USCC BDY
Molas Lake
Little Molas Lake
Molas Pass
EAST LIME CR RS
Jura Knob
12614
ENGINE CR TRAIL
DEER CR OVERLOOK
Coal Creek
Andrews Lake
Three Lakes Cr
Snowdon Peak
13077
ARROW
12891
Elk
Engineer Mtn
12968
Potato Hill
11871
Crater Lake
Twilight Peak
13158
MOUNTAINS
Mount Garfield
13074
GRENADIER
Arrow Peak
13803
Vestal Lake
Tenmile Creek
The Heisspitz
Noname
Peak Fourteen
NEEDLE
Potato Lake
West Needle Mtn
13045
SAN JUAN CO
LA PLATA CO
Needleton
Pigeon Peak
13972
Turret Peak
Ruby Lake
Peak Thirteen
13705
Monitor Peak
North Eolus
Mt Eolus
14086
Sunlight Peak
14059
COLUMBINE
PURGATORY CG
PURGATORY SKI AREA
Purgatory Flats
Lime
WEST NEEDLE
New York Basin
WEM
Cascade
ANIMAS RIVER
WEMINUCHE WILDERNESS
Tefft Spur
Crazy Woman Gulch
Webb Lake
Emerald Lake
Columbine Pass
Aztec Mtn
Chicago
Columbine Lake
Florida Mtn
Grasshopper Creek
Ignacio Lake
ELECTRA LAKE
Tank Mesa
Tank Creek
Pear Lake
West Silver Mesa
Silver Mesa
Virginia Gulch
Lime Mesa
Cliffs
550
789
591
584
585
578
110
822

Recommendation
United Sportsmen's Council of Colorado

VASQUEZ PEAK/ST. LOUIS PEAK

Arapaho National Forest

Study Area	25,600 acres
Hart bill	24,160 acres
Compromise House-passed bill	24,160 acres
Armstrong bill	12,400 acres
United Sportsmen's Council of Colorado recommendation	24,160 acres

These two areas lie north of the Eisenhower Tunnel on Interstate Highway 70 in Summit, Grand and Clear Creek counties. Vasquez and St. Louis peaks are contiguous on their southern extremities. They flank the Fraser Experimental Forest and would make invaluable natural controls for research purposes.

The areas are important elk and deer summer range. They also contain good black bear populations.

The Armstrong Bill does not include the St. Louis Peak area, since the Forest Service did not recommend it. However, we feel that reasons given for its exclusion are not of major importance. The two areas are totally wild and undeveloped and are well qualified for a wilderness designation. The areas are only a two-hour drive west of metropolitan Denver. Our Denver sportsmen need them. Their highest and best use in the long run, we feel, is as wilderness.

Recommendation
United Sportsmen's Council of Colorado

SPRUCE CREEK

White River National Forest

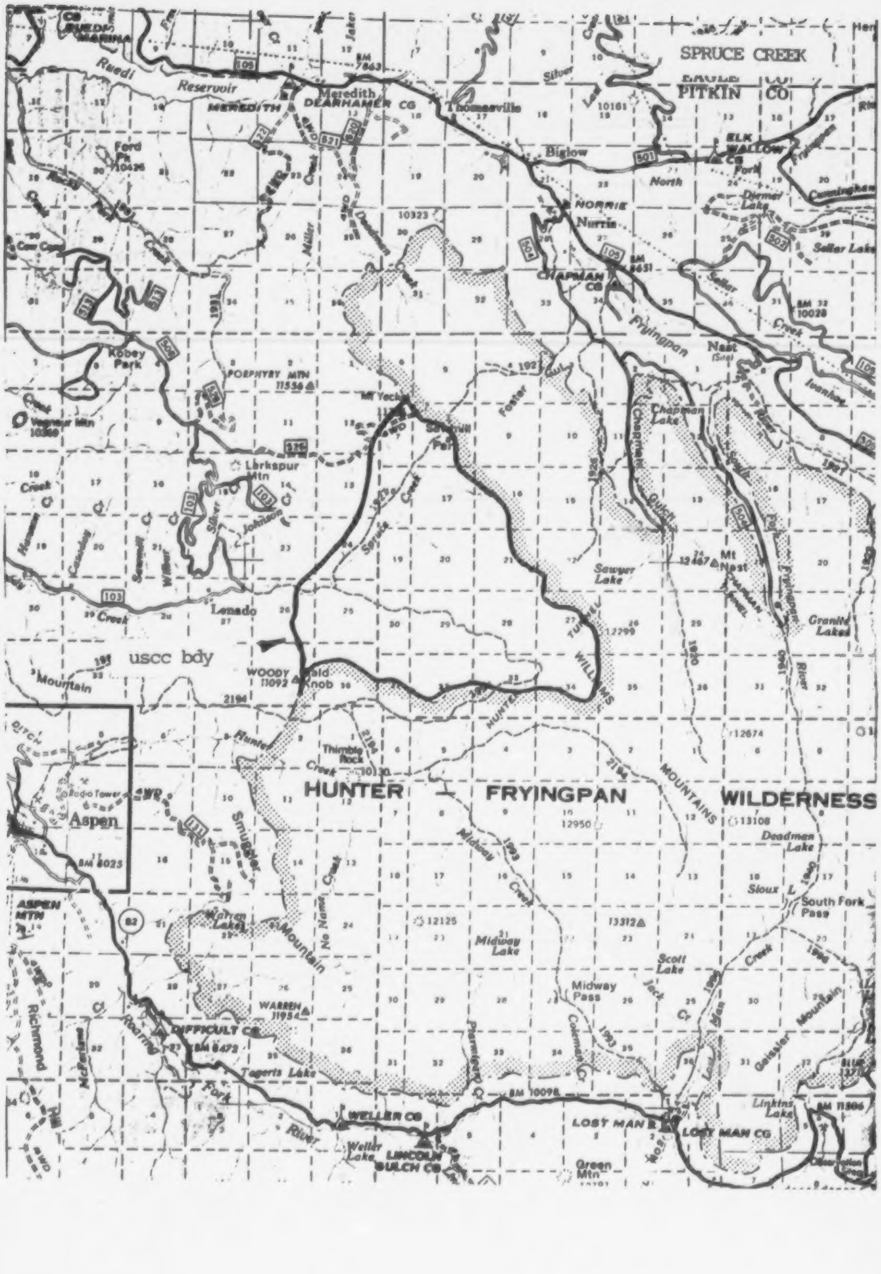
Study Area	8,000 acres
Hart bill	8,000 acres
Compromise House-passed bill	8,000 acres
Armstrong bill	8,000 acres
United Sportsmen's Council of Colorado recommendation	8,000 acres

This area is northeast of Aspen in Pitkin County. It is contiguous to the northwestern boundary of the current Hunter-Fryingpan Wilderness and is a logical addition to it.

The area serves as an important, undisturbed migration route for elk and mule deer between their summer and winter range. Spruce Creek, which drains the area, contains an excellent population of Colorado's cutthroat trout.

Adding the area to the Hunter-Fryingpan Wilderness would protect the vital migration route for big-game and safeguard one of Colorado's quality native cutthroat trout streams.

We are pleased that all bill sponsors and conservation groups are in agreement on this area.


SPRUCE CREEK
PITKIN CO
Ruedi Reservoir
MEREDITH
Meredith
DEARHAMER CG
Thomasville
Biglow
ELK WALLOW CG
North Fork
NORRIE
Norrie
CHAPMAN CG
Fryingpan
Nast
Seller Lake
Diemer Lake
Ford Pk 10426
Kobey Park
PORPHYRY MTN 11556
Mt Yeckel
Larkspur Mtn
Chapman Lake
Chapman Gulch
Sawyer Lake
Mt Nast 12457
Granite Lakes
Lenado
uscc bdy
Mountain
WOODY
Bald Knob 11092
WILLIAMS
Thimble Rock
HUNTER
FRYINGPAN
WILDERNESS
MOUNTAINS
Deadman Lake
Sioux L
South Fork Pass
Aspen
Radio Tower
ASPEN MTN
Smuggler
Warren Lakes
Mountain
No Name Creek
Midway Creek
Midway Lake
Midway Pass
Scott Lake
Lost Man Creek
Geissler Mountain
Linkins Lake
WARREN 11954
DIFFICULT CG
Richmond
Roaring Fork River
Tagerts Lake
WELLER CG
Weller Lake
LINCOLN GULCH CG
LOST MAN
LOST MAN CG
Green Mtn
Coleman Cr
Hunter Creek
Woody Creek
Ivanhoe
12950
13313
12125
12674
13108
10130
12299
10323
10161
82
105
501
504
505

Recommendation
United Sportsmen's Council of Colorado

WILLIAMS FORK

Arapaho National Forest

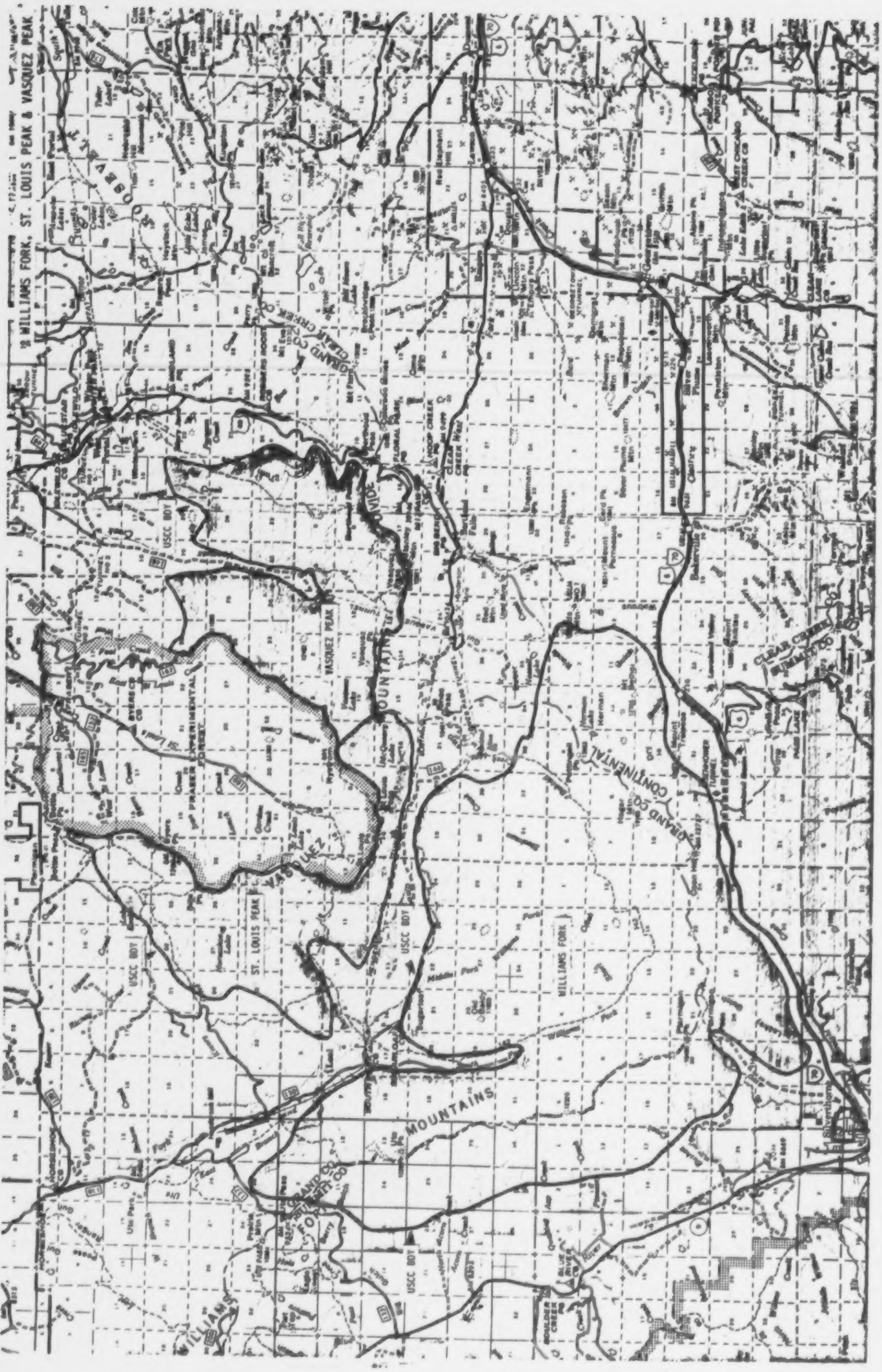
Study Area	53,000 acres
Hart bill	Not Addressed
Compromise House-passed bill	40,500 acres
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado recommendation	53,940 acres

This superb area is located immediately north of the Eisenhower Tunnel along Interstate 70 in Summit, Grand and Clear counties.

Williams Fork is important summer range for large herds of elk and deer. Numerous black bear also inhabit the area. The South and Middle Forks of the Williams Fork River drain the area. They contain rainbow and cutthroat trout and are a major fisheries resource. Protection of these pristine headwaters is important to maintaining the valuable wild trout fisheries. A two-hour drive from metropolitan Denver, this area is used by many sportsmen. It has high wilderness qualities.

We are aware that the Denver Water Board owns water rights on the Williams Fork River. But these rights do not require water development within the Williams Fork area. Alternatives include downstream development, outside the area.

We strongly urge wilderness status for this key area.


12 WILLIAMS FORK, ST. LOUIS PEAK & VASQUEZ PEAK
VASQUEZ PEAK
ST. LOUIS PEAK
USCC BDY
USCC BDY
USCC BDY
USCC BDY
FRASER EXPERIMENTAL FOREST
VASQUEZ
MOUNTAINS
WILLIAMS FORK
MOUNTAINS
CONTINENTAL
GRAND CO
CLEAR CREEK CO
GRAND CO
CLEAR CREEK
SUMMIT CO
GRAND CO
SUMMIT CO

Recommendation
United Sportsmen's Council of Colorado

SANGRE DE CRISTO

Pike and San Isabel National Forest

Study Area	221,000 acres
Hart bill	248,000 acres
Compromise House-passed bill	235,000 acres
Armstrong bill	190,000 acres
United Sportsmen's Council of Colorado recommendation	245,000 acres

This remarkable area is south of Salida, running south-southeast to northeast of Alamosa in Saguache, Custer, Alamosa and Huerfano counties. It consists of a long but narrow high mountain range, with six peaks over 14,000 feet. The area is by far the largest single tract remaining in Colorado that meets the criteria for wilderness designation.

Sangre de Cristo contains important habitat for all of Colorado's mountain-dwelling big-game species, among which are the elk, bighorn sheep, mule deer and black bear. Approximately 60 natural lakes and clear steams that drain to the surrounding valleys contain large rainbow, cutthroat and Eastern brook trout. The Sangre de Cristo area furnishes thousands of Colorado sportsmen each year with high-quality wilderness fishing, hunting, camping and wildlife observation. Several outfitters and guides do a substantial outfitting and guiding business in the area, which is important to the local economy.

We believe that the Armstrong and Compromise House-passed bills needlessly exclude several small but important roadless tracts which should be parts of the Sangre de Cristo Wilderness. We recommend the following changes:

Recommendation
United Sportsmen's Council of Colorado

SANGRE DE CRISTO
Page 2

NORTH SECTION

1. Onthe eastern side of the Sangre de Cristo area, include the Comanche-Venable Loop tract. The fragile high-mountain trout lakes in this unit will not withstand motorized public access fishing pressure. Also, the unit is an important calving area for elk and lambing area for bighorn sheep. Both elk and bighorns need remoteness and solitude, especially during these periods.

2. On the eastern side, include the undeveloped Texas Creek drainage. This unit is also an important elk calving area.

MIDDLE SECTION

1. On the eastern side, include the roadless unit east of Marble Cave. Part of this unit is winter range for elk and deer. The other part is calving range for elk. Wilderness status for this unit will prevent harassment of these species by the public's motorized vehicles on their winter range. Harassment causes heavy mortality.

2. On the western side, include the small roadless zone north of Liberty. This will prevent use of motor vehicles by the public in this area, resulting in disturbance to elk, bighorn sheep and deer on their winter range.

SOUTH SECTION

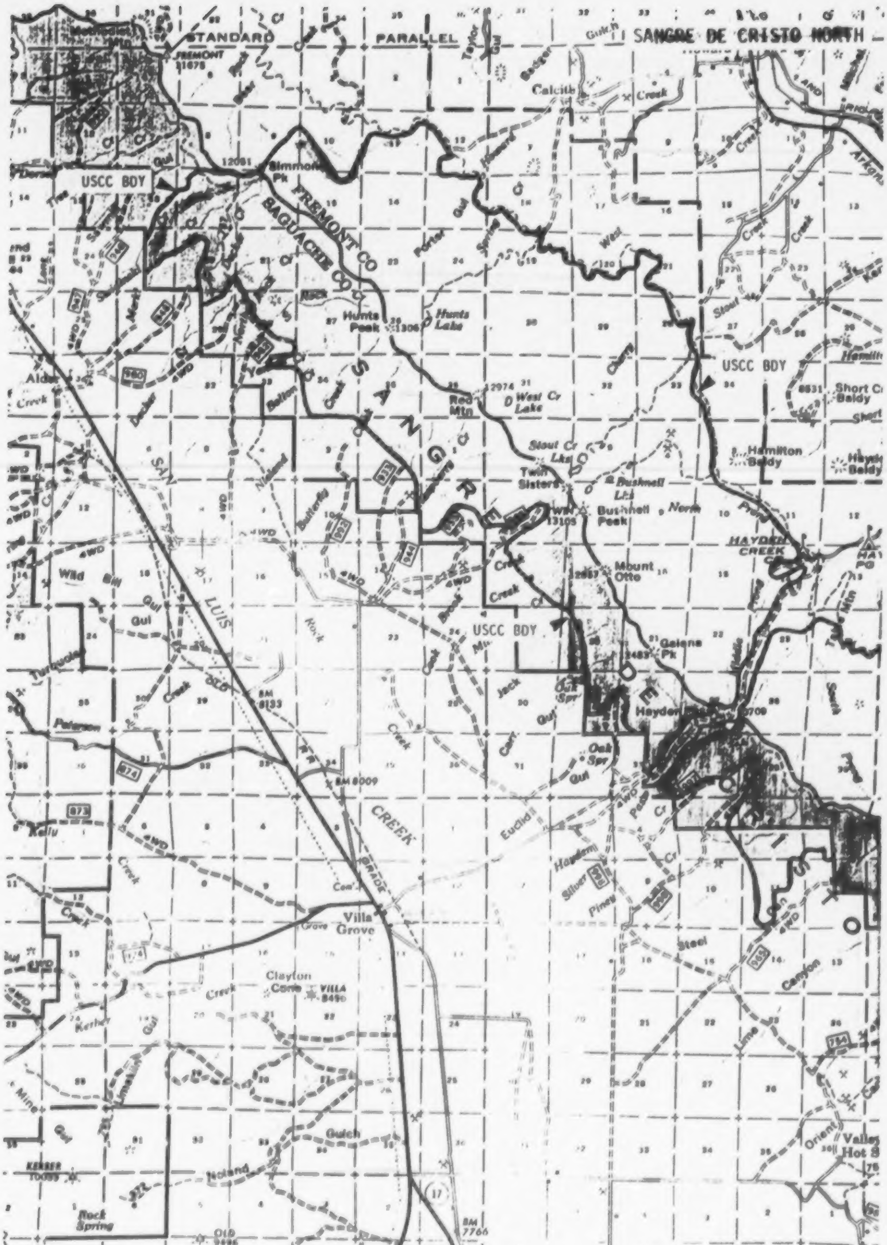
1. On the eastern side, add the small unit along the Armstrong boundary north of the Huerfano River. Also, add the California Peak unit to the South.

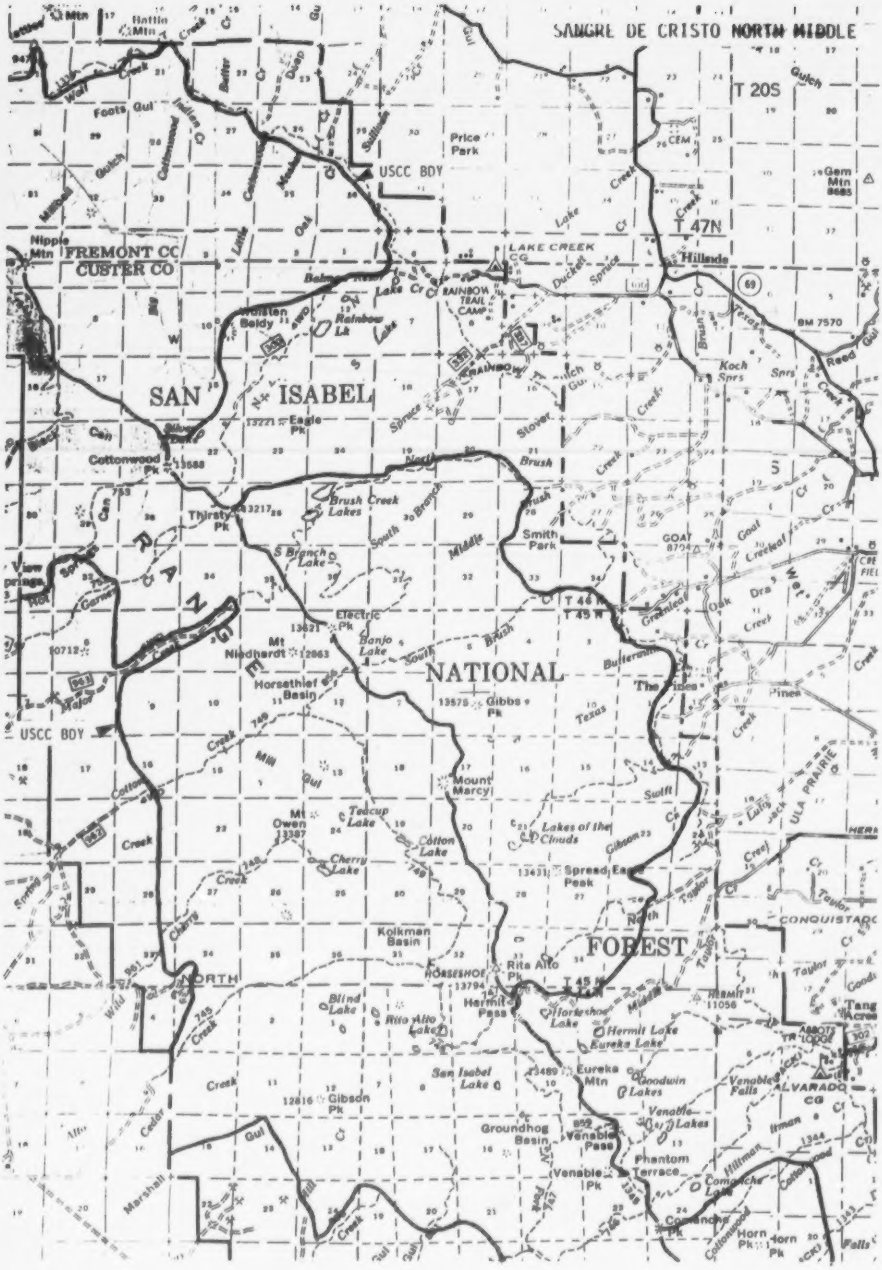
2. Add the undeveloped eastern slope of Mount Blanca eastward to Strawberry Creek.

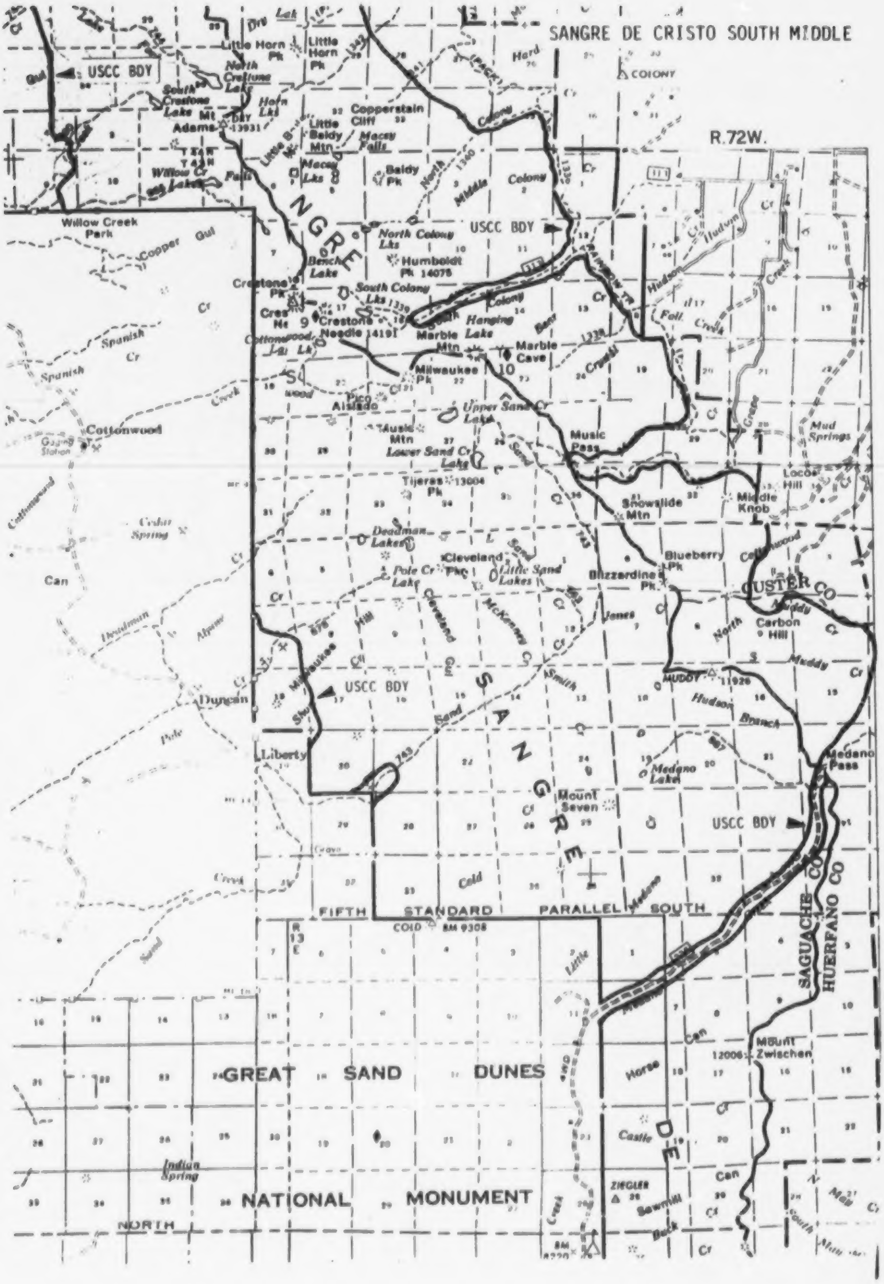
3. On the eastern side, add three small Bureau of Land Management Wilderness Study Areas. They are Zapata Creek and Papa Keal.

Recommendation
United Sportsmen's Council of Colorado

These tracts are all important as protective habitat for elk and deer. Most of these proposed small additions are at altitudes of 11,000 feet or higher, which is too high for winter range, or for the opportunity to improve wildlife habitat by vegetation manipulation.

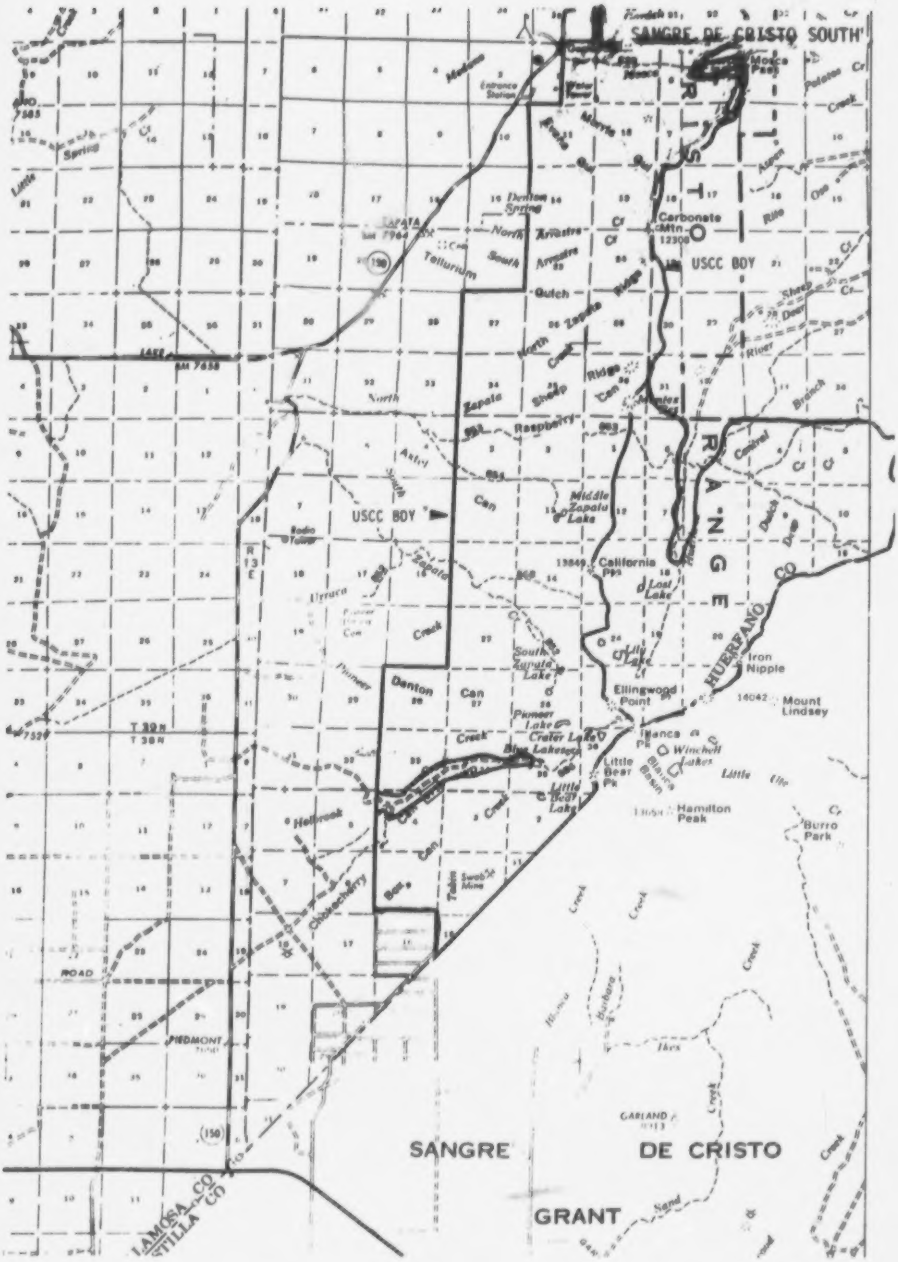

STANDARD PARALLEL
SANGRE DE CRISTO NORTH
USCC BDY
FREMONT
Simmons Pk
FREMONT CO
SAGUACHE CO
Hunts Peak
Hunts Lake
Red Mtn
West Cr Lake
Stout Cr Lks
Twin Sisters
Bushnell Lks
Bushnell Peak
13105
Mount Otto
Galena Pk
Hayden Pass
HAYDEN CREEK
Calcite
Hamilton Baldy
Short Cr Baldy
SAN LUIS
CREEK
Alder
Wild Bill
Gul
Turquoise
Paterson
Kelly
BM 8133
BM 8009
Euclid
Oak Spr
Jack
Silver Pines
Steel
Canyon
Villa Grove
Clayton Cone
VILLA 8490
Kerber
KERBER
Noland
Gulch
Rock Spring
BM 7766
Mineral
Orient
Valley Hot S


SANGRE DE CRISTO NORTH MIDDLE
T 20S
T 47N
T 46 N
T 45 N
USCC BDY
FREMONT CO
CUSTER CO
SAN ISABEL NATIONAL FOREST
RANGE
Price Park
Gem Mtn 8685
Lake Creek CG
Rainbow Trail Camp
Hillside
Nipple Mtn
Rainbow Lk
Eagle Pk
Cottonwood Pk 13588
Thirsty Pk 13217
Brush Creek Lakes
S Branch Lake
Smith Park
Goat 8704
Electric Pk
Mt Niedhardt 12863
Banjo Lake
Horsethief Basin
Gibbs Pk 13575
The Pines
Mount Marcy
Mt Owen 13387
Teacup Lake
Cotton Lake
Cherry Lake
Lakes of the Clouds
Spread Eagle Peak 13431
Kolkman Basin
Rita Alto Pk
Horseshoe 13794
Hermit Pass
Blind Lake
Rito Alto Lake
Horseshoe Lake
Hermit Lake
Eureka Lake
Hermit 11056
ULA PRAIRIE
CONQUISTADOR
Abbots Lodge
Alvarado CG
San Isabel Lake
Eureka Mtn
Goodwin Lakes
Venable Falls
Gibson Pk 12816
Groundhog Basin
Venable Pass
Venable Lakes
Phantom Terrace
Venable Pk
Comanche Lake
Comanche Pk
Horn Pk
Koch Sprs
BM 7570
Texas Creek
Brush Creek
Cottonwood Creek
Middle Taylor Creek
Hiltman



SANGRE DE CRISTO SOUTH MIDDLE

USCC BDY
Little Horn Pk
Little Horn Pk
North Crestone Lake
South Crestone Lake
Mt Adams 13931
Horn Lks
Copperstain Cliff
Little Baldy Mtn
Macey Falls
Macey Lks
Baldy Pk
Willow Cr Lakes
Willow Creek Park
Copper Gul
COLONY
R.72W.
North Colony Lks
Humboldt Pk 14075
Bench Lake
Crestone Pk
Crestone Needle 14191
South Colony Lks
Marble Mtn
Hanging Lake
Marble Cave
Milwaukee Pk
Pico Aislado
Upper Sand Cr Lake
Lower Sand Cr Lake
Music Pass
Music Mtn
Tijeras Pk 13004
Snowslide Mtn
Middle Knob
Locoe Hill
Mud Springs
Spanish Cr
Cottonwood
Cedar Spring
Deadman Lakes
Cleveland Pk
Little Sand Lakes
Pole Cr Lake
Blueberry Pk
Blizzardine Pk
CUSTER CO
Carbon Hill
Muddy Cr
Hudson Branch
Duncan
Liberty
Medano Lake
Medano Pass
Mount Seven
SANGRE
DE
FIFTH STANDARD PARALLEL SOUTH
SAGUACHE CO
HUERFANO CO
Mount Zwischen 12006
GREAT SAND DUNES
NATIONAL MONUMENT
Indian Spring
Castle
Horse Can
Sawmill
ZIEGLER
NORTH


SANGRE DE CRISTO SOUTH'
Medano
Entrance Station
Mosca Pass
Little Spring Cr
Denton Spring
ZAPATA
North Arrastre
South Arrastre
Telluride
Carbonate Mtn 12308
USCC BDY
Gulch
Zapata Ridge
North Creek
Sheep Ridge
Deer
River
Branch
Aspen
Rito Oso
Potato Cr
Creek
Zapata
Raspberry
North
Astral
South
Can
Middle Zapata Lake
Central
Dutch
Radio Tower
R 13 E
Uyruca
Creek
13849 California Pk
Lost Lake
Lily Lake
South Zapata Lake
Pioneer
Denton
Can
Pioneer Lake
Crater Lake
Blue Lakes
Little Bear Lake
HUERFANO CO
Iron Nipple
Ellingwood Point
14042 Mount Lindsey
Blanca Pk
Winchell Lakes
Blanca Basin
Little Bear Pk
Little Ute
Hamilton Peak
Cr
Burro Park
R A N G E
T 39 N
T 38 N
Hellbrook
Chokecherry
Box Can
Tobin
Swab Mine
ROAD
PIEDMONT
150
ALAMOSA CO
COSTILLA CO
SANGRE DE CRISTO
GRANT
Blanca
Barbara
Creek
Ikes
GARLAND
Sand

Recommendation
United Sportsmen's Council of Colorado

BUFFALO PEAKS

Pike-San Isabel National Forests

Study Area	56,950 acres
Hart bill	57,430 acres
Compromise House-passed bill	46,000 acres
Armstrong bill	36,060 acres
United Sportsmen's Council of Colorado recommendation	57,430 acres

This proposed Wilderness is southeast of Leadville and north of Buena Vista in Lake, Park and Chaffee counties. Buffalo Peaks is one of Colorado's most important bighorn sheep ranges. It is one of the few areas in the West where bighorn sheep can be managed throughout the four seasons of the year on federal lands without man-made disturbance. It has also long been a favorite area for wilderness-type hunting of elk and mule deer. Both bighorn sheep and elk are known ecologically as wilderness animals. When man and his works move in, the bighorn sheep and the elk lose out.

Four essential parts of the proposed Wilderness left out in the Armstrong bill are: Spring Creek-Low Pass Gulch on the northwest, Sawmill Gulch-Tiger Lily Creek on the west, Marmot Peak-Davis Meadows on the south, and the undeveloped Pony Creek area on the southeast.

The Sawmill Gulch-Lily Creek roadless tract is fall, winter and spring range for bighorn sheep, elk and mule deer, as is the Spring Creek-Low Pass Gulch area. Merchantable timber is lacking in these tracts. No operable minerals have been found there. Potential for wildlife habitat improvements is very low. The Colorado State Division of Wildlife has not indicated any need for habitat improvement in these tracts. No improved roads exist in the

Recommendation
United Sportsmen's Council of Colorado

BUFFALO PEAKS
Page 2

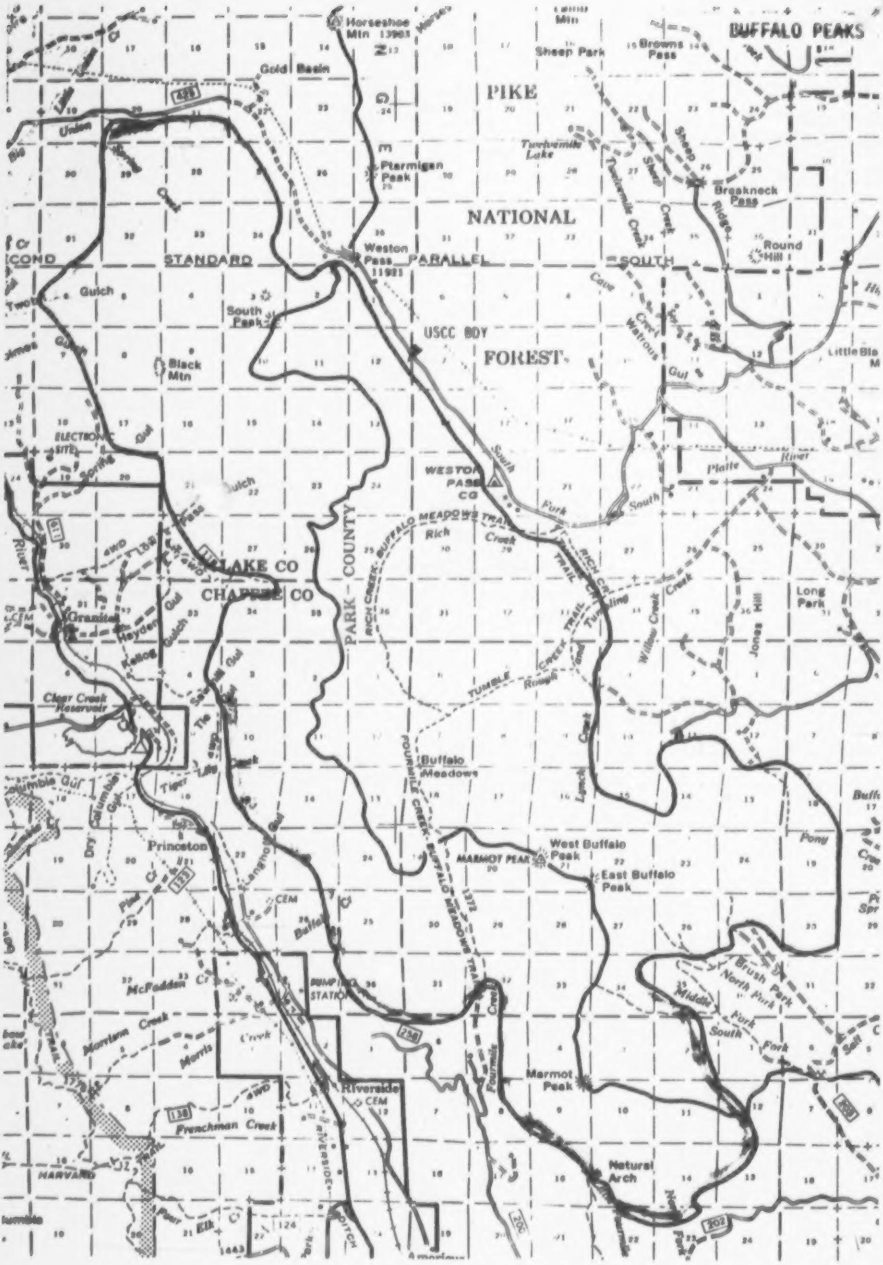
units, and off-road vehicle use is negligible. Development would eliminate the bighorn sheep and elk from these tracts.

At an elevation of over 11,000 feet, Marmot Peak is mostly alpine tundra without timber. There is little opportunity to improve wildlife habitat by manipulating vegetation. The Colorado Division of Wildlife has not proposed any habitat improvement practices for this unit. It is critical summer range for the herd of bighorn sheep and an integral part of the proposed Buffalo Peaks Wilderness.

The need for "wildlife habitat improvement" in the Pony Creek area does not exist. Of major importance is the protection of this wildlife habitat from man and his works. Wilderness provides this protection.

Numerous undisturbed streams drain into the Arkansas River to the west and the South Fork of the South Platte River to the east, contributing to the high quality of water used by millions of Americans downstream.

We are aware of no resource conflicts resulting from our boundaries.


Horseshoe Mtn 13898
Sheep Park
Browns Pass
BUFFALO PEAKS
Gold Basin
PIKE
Twelvemile Lake
Ptarmigan Peak
Breakneck Pass
NATIONAL
Round Hill
Weston Pass 11921
STANDARD
PARALLEL
SOUTH
Twin Gulch
South Peak
USCC BOY
FOREST
Black Mtn
Little Bla
ELECTRONIC SITE
WESTON PASS CG
South Platte River
South Fork
RICH CREEK–BUFFALO MEADOWS TRAIL
Rich Creek
LAKE CO
CHAFFEE CO
PARK COUNTY
Granite
Long Park
Jones Hill
Willow Creek
TUMBLE CREEK TRAIL
Tumble Creek
Clear Creek Reservoir
Buffalo Meadows
FOURMILE CREEK–BUFFALO MEADOWS TRAIL
Columbia Gul
Princeton
MARMOT PEAK
West Buffalo Peak
East Buffalo Peak
Pony
CEM
Buffalo Cr
PUMPING STATION
McFadden Cr
Morrison Creek
Brush Park
North Fork
Middle Fork
South Fork
Marmot Peak
Riverside
Frenchman Creek
HARVARD
Natural Arch
Fourmile Creek
Elk Cr

Recommendation
United Sportsmen's Council of Colorado

PIEDRA

San Juan National Forest

Study Area	41,500 acres
Hart bill	49,180 acres
Compromise House-passed bill	37,000 acres
Armstrong bill	41,500 acres
United Sportsmen's Council of Colorado	58,000 acres

This outstanding area is east of Vallecito Reservoir in Hinsdale and Archuleta counties. It is just south of the current Weminuche Wilderness. We propose to link the boundaries of the two areas to protect vital elk and deer migration routes between summer and winter range on the lower Piedra drainage.

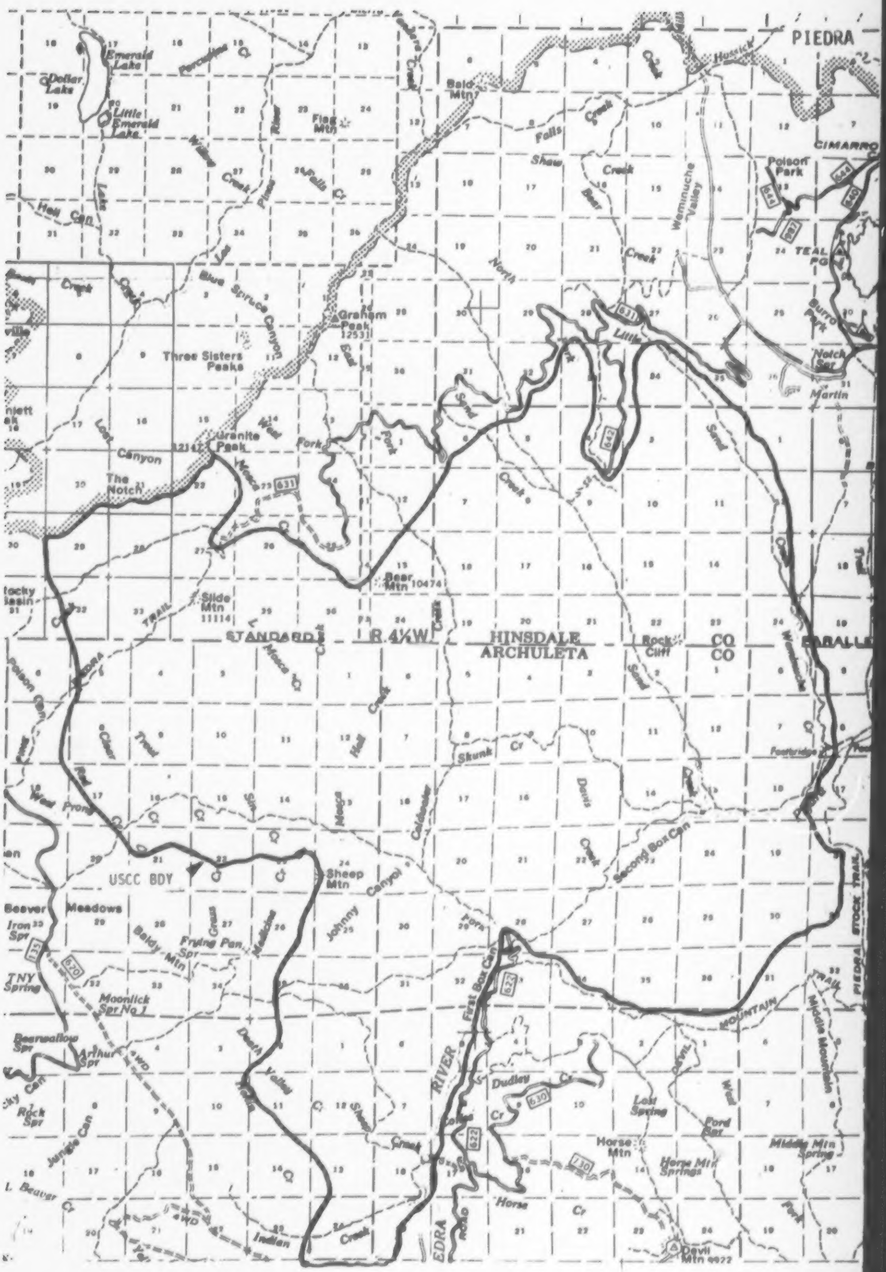
The Piedra River is proposed for inclusion in the National Wild and Scenic Rivers System. The Piedra and its tributaries within our proposed wilderness boundaries are a very important fisheries resource. They provide major migration routes between summer and winter range for large herds of elk and deer. This is one of extremely few low-altitude national forest areas in Colorado where it is possible to preserve year-round ranges for elk and other sensitive wildlife in a wilderness classification.

Our proposed wilderness boundary protects undeveloped Little Sand Creek and Weminuche Creek drainages on the northeast as important tributaries to the proposed Piedra Wild River. On the western side of the study area, our proposed boundary runs westerly from Sheep Mountain to West Prong Creek, avoiding the timber sale near this creek, and proceeds northerly to the Weminuche Wilderness boundary southwest of The Notch. The northern boundary of the Piedra Wilderness runs from Bear Mountain to join the Weminuche Wilderness boundary at Granite Peak, as indicated on our map sketch.

Recommendation
United Sportsmen's Council of Colorado

PIEDRA
Page 2

These wilderness boundary recommendations are crucial to (1) protecting more of the undisturbed watershed of the proposed Piedra Wild River and (2) preserving the essential migration routes of major elk and deer herds between their summer range in the Weminuche Wilderness and vital winter range on the Piedra River.


PIEDRA
Emerald Lake
Dollar Lake
Little Emerald Lake
Porcupine Cr
Flag Mtn
Bald Mtn
Hossick
Falls Creek
Shaw
Weminuche Valley
Bear Creek
Poison Park
CIMARRO
TEAL
Hell Can
Blue Spruce Canyon
Graham Peak 12531
Three Sisters Peaks
Lost Canyon
Granite Peak
12147
The Notch
North
Little
Sand
Burro Park
Notch Sar
Martin
Bear Mtn 10474
Slide Mtn 11114
Rocky Basin
STANDARD
R.4½W.
HINSDALE
ARCHULETA
CO
CO
Rock Cliff
CABALLE
Skunk Cr
Davis Creek
Second Box Can
Footbridge
Poison Can
West Prong
USCC BDY
Sheep Mtn
Johnny Canyon
Beaver Meadows
Iron Spr
TNY Spring
Frying Pan Spr
Baldy Mtn
Moonlick Spr No 1
Bearwallow Spr
Arthur Spr
Rock Spr
Jungle Can
L. Beaver Cr
First Box Can
RIVER
Dudley Cr
Lost Spring
Ford Bar
Horse Mtn
Horse Mtn Springs
MOUNTAIN
Middle Mountain
Middle Mtn Spring
PIEDRA STOCK TRAIL
Horse Cr
Indian Creek
Devil Mtn 9922
EDRA ROAD
631
642
622
630
620
635
644
4WD

Recommendation
United Sportsmen's Council of Colorado

WHEELER

Rio Grande National Forest

Study Area	11,390 acres
Hart bill	29,350 acres
Compromise House-passed bill	Monument Status
Armstrong bill	Not Addressed
United Sportsmen's Council of Colorado	29,000 acres

The area is just east of Creede in Mineral County. It is contiguous to the southern boundary of the already established La Garita Wilderness, to which it should be added.

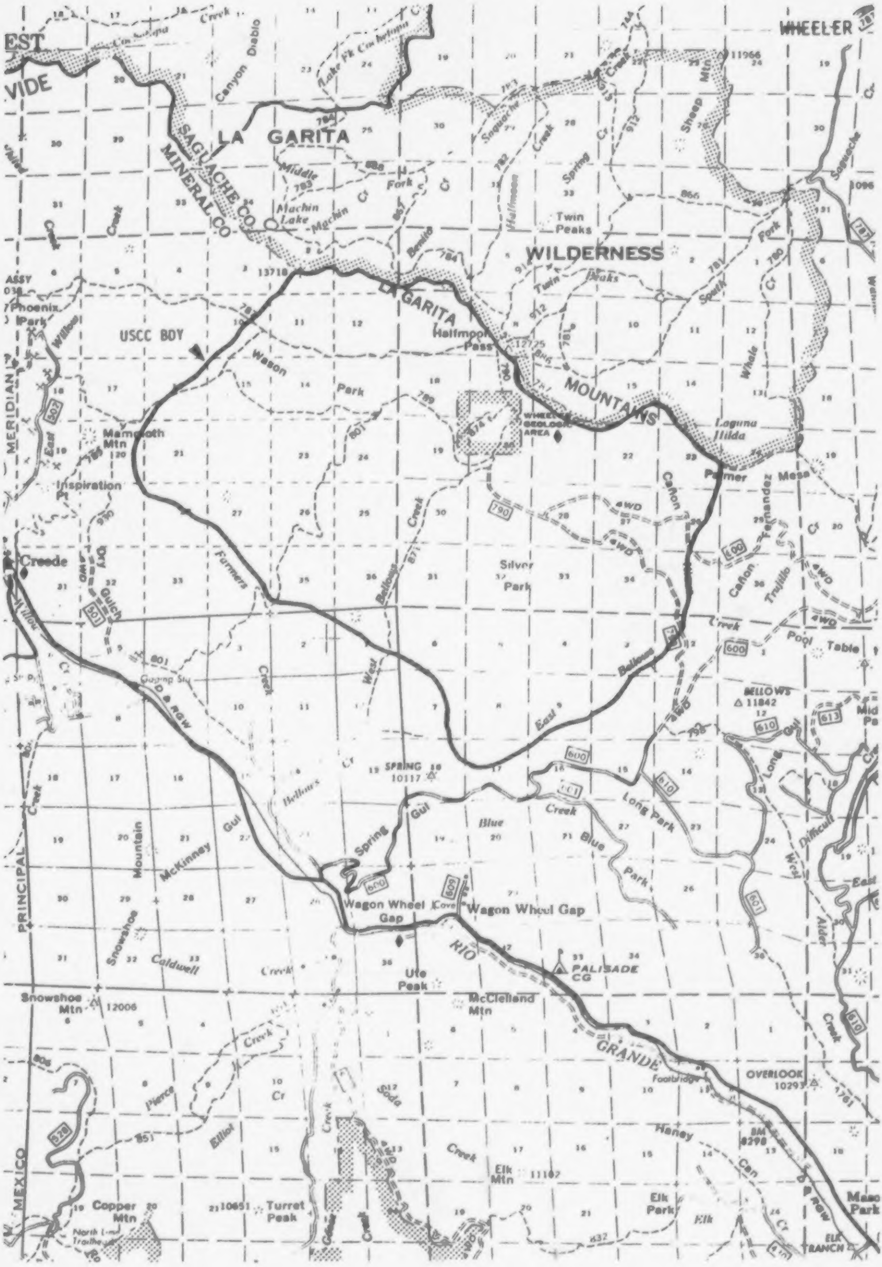
Sportsmen support wilderness status for this outstanding area because it contains summer range for considerable elk, bighorn sheep and deer. Besides protecting essential habitats of these important big-game species, its designation as wilderness would make more viable and enhance the current La Garita Wilderness and its wildlife, which moves freely between the two areas. East and West Bellows creeks in the area contain native cutthroat and other trout species. The creeks drain into the Rio Grande River.

We have carefully drawn our southern wilderness boundary to exclude the lower portion of the West Bellows Creek drainage, since it is important winter range for big-game and possibly could be improved by vegetative manipulation.

Several outfitting and guiding operations serve the area, generating considerable income to the local communities.

The Compromise House-passed bill would grant National Monument status to 18,000 acres of the Wheeler area. But we feel very strongly that such designation does not provide adequate protection from development for this key area. All 29,000 acres of Wheeler should be given wilderness protection at this time and added to La Garita Wilderness.

We note that local ranchers also strongly support a wilderness classification for the Wheeler area.


WHEELER
LA GARITA
WILDERNESS
LA GARITA MOUNTAINS
SAGUACHE CO
MINERAL CO
Canyon Diablo
Machin Lake
Machin Cr
Middle Fork
Twin Peaks
Halfmoon Pass
12725
13718
11966
Sheep Mtn
Spring Cr
Saguache Creek
Halfmoon Creek
USCC BDY
Phoenix Park
Wason Park
Mammoth Mtn
Inspiration Pt
Creede
Dry Gulch
Farmers Creek
Bellows Creek
WHEELER GEOLOGIC AREA
Silver Park
Laguna Hilda
Palmer Mesa
Cañon
Fernandez
Trujillo
Pool Table
BELLOWS 11842
Long Gul
Long Park
West Difficult
Alder Creek
East Bellows
Spring Gul
SPRING 10117
Blue Creek
Blue Park
McKinney Gul
Snowshoe Mountain
Wagon Wheel Gap
PALISADE CG
Ute Peak
McClelland Mtn
Caldwell Creek
Snowshoe Mtn 12006
RIO GRANDE
OVERLOOK 10293
Footbridge
Haney Can
Elk Park
Elk Cr
Elk Mtn 11107
Soda Creek
Pierce
Elliot
Goose Creek
Copper Mtn
Turret Peak 10651
North Lime Trailhead
PRINCIPAL MERIDIAN
MEXICO
D & RGW
ELK TRANCH
4WD
600
610
613
790
801
871

Senator **Wallop**. Thank you, Mr. Strohl.

Mr. Mallett.

STATEMENT OF JERRY MALLETT, EXECUTIVE DIRECTOR, WESTERN RIVER GUIDES ASSOCIATION, INC., ENGLEWOOD, CO

Mr. **Mallett**. Thank you, Mr. Chairman. My name is Jerry Mallett. I am the executive director of the Western River Guides Association.

I am here today on behalf of this association and the American Wilderness Alliance.

We do indeed support the position of Mr. Strohl of the United Sportsmen's Council and Wildlife Federation. We feel that the economic benefits of wilderness greatly enhance sports issues throughout the State of Colorado and the Nation, and in consideration of time I want to pass and submit the rest of my testimony for the record.

Thank you, sir.

[The prepared statement of Mr. Mallett follows:]

WESTERN RIVER GUIDES ASSOCIATION, INC. *7600 East Arapahoe Road, Suite 114, Englewood, Colorado 80112, 303-771-0389*

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president
GAYLORD STAVELEY
vice president
ART WOODWORTH
secretary-treasurer
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Utah
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Washington
N. WAYNE JOHNSON
Wyoming
MARK JENSEN
Alaska

Statement of Jerry Mallett
for the Western River Guides Association
and the American Wilderness Alliance
Concerning S. 2916, S. 2032, and H. R. 5426
(the Colorado Wilderness Bill of 1984)
Before the Senate Subcommittee on
Public Lands & Reserved Water
in Washington, D. C., on September 18, 1984

Chairman Wallop and other Members of the Committee:

I am Jerry Mallett, and I am representing the Western River Guides Association and the American Wilderness Alliance.

The Western River Guides Association is a professional river-outfitting organization dedicated to the protection and enjoyment of the West's free-flowing rivers and wildlands.

The American Wilderness Alliance is a national non-profit organization whose members are working to conserve the nation's decreasing public wildlands, wildlife habitat and free-flowing river resources.

Both organizations are headquartered in Denver, Colorado.

I want to thank you for holding these important hearings on the Colorado Wilderness Bills today. We hope that this will result in a prompt resolution of the differences in these measures and the enactment of legislation that will protect the last 18 outstanding areas of wilderness in the national forests of Colorado.

I would like to point out that 12 nationally known rivers rise in Colorado--and all of these rivers begin in designated wilderness or wilderness that is being proposed here today.

This is extremely important--because the quality of a river can be no higher than its source. A wilderness designation at the headwaters in Colorado's pristine mountains promotes quality, stable flows of water for millions of downstream users.

These rivers and their associated federal wildlands support multi-billion dollar fisheries and wildlife, as well as a thriving outfitting and guiding industry. They meet important municipal, industrial, agricultural and recreational need of the American people.

So I hope you will give these Colorado wilderness proposals the most favorable consideration. We are not talking here today about setting aside some areas for a few recreationists. We are asking that you act now to protect our pristine watersheds, rivers, fisheries and wildlife for the economic and social well-being of the citizens of Colorado and the nation.

The Western Rivers Guides Association and the American Wilderness Alliance are happy to support the position of the United Sportsmen's Council of Colorado on all 18 wilderness proposals under consideration here today.

Thank you.

Senator WALLOP. Thank you, sir. My hat is off to the river guides for succinct and brief testimony. Thank you.

Mr. Breese.

STATEMENT OF JAMES B. BREESE, COLORADO MOUNTAIN CLUB, DENVER, CO

Mr. BREESE. Thank you, Mr. Chairman. I am representing the Colorado Mountain Club, which is the largest outdoor nonmotorized recreation organization in the State of Colorado. We have 8,000 members of all ages and coming from all occupations. Many of them in fact are in the energy industry.

We have 13 groups across the State from one end to the other. We take 3,000 organized trips in the State every year. That is 16 every weekend. The trips average about 15 people. Now, of course, that doesn't count the vast multiple of that number which our members take on an unorganized basis.

I am here to represent and tell you about a little different angle on this whole wilderness problem. We have made passage of this bill the No. 1 priority for the past couple of years, and the reason is that we are the people on the ground. I am sure there are sportsmen, too, but we are the people that are seeing the vast increase in the use of wilderness areas in the State of Colorado. We are the people that are seeing the Forest Service figures of 7 percent increase per year, but we feel that along the front range where most of our members are that that rate of increase is much more rapid.

In one area in particular, Williams Fork, which we strongly support for inclusion in the bill, the Forest Service figures have shown that between the years 1981 and 1982, hiking increased 28 percent in the single year. Cross-country skiing increased 67 percent. Fishing increased 19 percent, and big game hunting increased 40 percent. That is in a single year, and those were the most recent figures that we had available, and those are the kind of pressures that we are experiencing along the front range in particular, although it is happening across the State as well.

We have the evidence of seeing, of course, more people on trails, jammed parking lots, 50, sometimes even 100 cars often even in remote locations. We are finding once we get to an area, there are not good camp sites available because other people already are there.

Remote peaks like the Uncompahgre were claimed by 744 people a couple of years ago. In the Holy Cross area which has been mentioned here today, in one single weekend, the Fourth of July weekend, the long weekend, there were 22,000 recreational visitor days on one weekend in that particular wilderness area, and that is what is facing us in Colorado, and I also suspect that is what is going to be facing you in Wyoming hopefully in a long time, but it is coming.

One of the ways that this problem can be addressed, of course, is by management decisions, but also in the immediate future by the creation of more wilderness areas. I have mentioned Williams Fork. We take 19 trips just in the summer, our summer schedule. We take 19 organized trips to Williams Fork. We feel that that should be added to the Wilderness System.

We are disappointed, frankly, at the House compromise boundaries because we feel the boundaries should be extended to the east and we feel the boundaries should not be drawn around the Denver Water Board's proposed gravity system.

We feel that what has happened today is, and I have seen it before, that whenever there is a conflict, a wilderness comes under attack, the Wilderness Act does not say that whenever there is a conflict there cannot be wilderness. The Wilderness Act recognizes that there will be conflicts, and we feel that in the State of Colorado with the strong recreation, tourism industry which it has, a $3.9 billion industry, that many of these conflicts should be resolved in favor of wilderness even if there is a conflict.

We also support in terms of front range need the area of St. Louis, Vasquez, Lost Creek addition, and Buffalo Peaks, particularly the Davis-Pagosa additions and Pony Creek additions.

I would also like to mention that one area that is of extreme importance to the club is the South San Juan area and Sangre de Cristos. That area is important because the club climbs four peaks that rise above 14,000 feet. There are four of them that are accessible from that particular area, and we think it is an area of high use. It does deserve wilderness management.

We are the people who would be most affected by that management. We will work with the Forest Service in developing a plan for the use of that area, and we feel that the boundaries should be the area where the road crosses the creek which staffers are familiar with.

I will close with that and with just one remark, and that is that I think if we are making decisions here, we should make the mistake on the side or protecting wilderness because other resources could be developed if absolutely necessary in the national interest, and of course, as Otto Leopold stated, wilderness is a resource which can shrink but it cannot grow.

Thank you.

[The prepared statement of Mr. Porzak follows:]

The Colorado Mountain Club
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ENOS MILLS • FORT COLLINS • LONGS PEAK • PIKES PEAK • SAN JUAN • WESTERN SLOPE
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OFFICE HOURS MONDAY THRU FRIDAY 9 A.M. to 5 P.M., AND MONDAY, TUESDAY AND THURSDAY EVENINGS 7 TO 9 P.M.

TESTIMONY OF THE COLORADO MOUNTAIN CLUB

BEFORE THE

PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE

OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

September 18, 1984

Honorable Malcolm Wallop, Chairman
Public Lands and Reserved Water
Subcommittee of the Senate Energy
and Natural Resources Committee
Dirksen Senate Office Building
Room 308
Washington, D.C. 20510

Dear Senator Wallop:

We respectfully request that this letter be included in the official record for Senate Bill 2032, introduced by Senator Gary Hart and for Senate Bill 2916 introduced by Senator William Armstrong.

The Colorado Mountain Club is the State's oldest and largest non-motorized recreational organization. There are presently nearly 8,000 members in 13 groups throughout the state. Our organization is the foremost mountain organization in the region. We annually schedule over 3,000 hikes, climbs, backpacking, skiing and snowshoe trips mainly in the back country of our beautiful state. No one knows the mountain areas of Colorado better than the Colorado Mountain Club and its members.

Since one of our founding purposes is to preserve the mountains, we have worked closely with the Forest Service on a wide variety of resource preservation and conservation projects. Our members annually engage in trail maintenance and construction. We have also participated in development of wilderness management plans for areas receiving heavy use like the Indian Peaks Wilderness. Finally, we have made every effort to minimize the number of Club trips into popular areas like Rocky Mountain National Park during peak periods.

In the late 70's literally several hundred of our members participated in the RARE II process that led to the 1980 Colorado Wilderness Bill. Eighteen Wilderness Study and Further Planning Areas remained after the 1980 Bill. Since then our members have again been involved in the process of putting in thousands of hours of additional work on these areas. Thus, our members have been very active in the six full years that this phase of Wilderness bills has taken, involving study, field trips, trips to Washington, etc. In addition, there has been a great deal of time and energy by members of the Colorado Congressional Delegation and their staff. These areas have been studied and restudied. We feel it is now time for the RARE II process in Colorado to be concluded.

Having done this work within the confines of the 1964 Wilderness Act, we are deeply disturbed with the water language in S. 2916. This radical departure from the 1964 Act unduly threatens water -- the lifeblood of any wilderness area. We see no reason to alter the water language which has been uniformly accepted in every other Wilderness Act in every other state for the last twenty years. The S. 2916 water language raises the specter of water projects in wilderness which would very adversely affect the wilderness experience our members seek out with virtually every club and individual trip they take.

With respect to boundaries, there are numerous deficiencies contained in S. 2916 which would directly affect us. None is more important than the deletion of the South Colony Lakes area within the Sangre de Cristos. This region is the staging point for the ascents of Crestone Peak, Crestone Needle, Humboldt Peak and Kit Carson Peak. The summits of each exceed 14,000 feet. Many of our members are climbers who aspire to climb as many of Colorado's 54 "fourteeners" as possible. While these peaks are challenging, several of them can be successfully climbed in a single long weekend. Consequently, South Colony Lakes is one of the most popular areas used by our members. It possesses a scenic, rugged wilderness setting which should be preserved. The S. 2916 boundaries eliminate the access routes to the summits of these peaks. The South Colony Lakes exclusion has a further harmful effect of narrowing the width of the Sangres to a mere half mile, thus virtually cutting the Wilderness in two. The Club believes the proper Wilderness boundary should include the lakes and extend down the access road to the creek crossing.

Blanca Peak is Colorado's fourth highest at 14,345 feet. Our members frequently climb it. The boundaries of S. 2916 unacceptably exclude Blanca Peak and its access. Because of the importance of both of these areas to our members, the Colorado Mountain Club is simply unable to support a bill which excludes the South Colony Lakes area and Blanca Peak. While there is increasing use of both areas, their best hope for protection lies in a wilderness designation. Since we would be most affected by management prescriptions, we are willing to work on development of a wilderness management plan for the area with the Forest Service.

With respect to area designations, the Club is and was in concurrence with the Colorado Conservationist Proposal containing approximately 1.2 million acres of additional wilderness. Senator Hart's bill (S. 2032) is a good first step at meeting these objectives. However one area Senator Hart's bill does not protect is Williams Fork.

Williams Fork is a fine high altitude mountainous area of nearly 75,000 acres, 50 miles west of Denver. There are 31 peaks over 12,000 feet, an additional 10 peaks over 13,000 ft. and about 60% of the area is above timberline. It contains about 20 lakes of at least one acre.

Before the House Compromise was reached in H.R. 5426, the only real opposition to the designation of Williams Fork was from the Denver Water Department. According to studies of the various potential alternative water projects, the one which is most cost effective per acre foot and which produces the most water infringes upon only a small part of Williams Fork. Even if the less economical and less productive gravity alternative were selected, the House compromise boundaries would avoid any conflict whatsoever with the project. Indeed, the Denver Water Department actually helped draw the House boundaries so that any conflict with any project would be avoided.

Besides its excellent wilderness character and its pristine beauty, Williams Fork is important because of its close proximity to Denver's population center. Our members make frequent trips into Williams Fork. We urge that those portions of Williams Fork which would not be affected by any Denver Water Department project be protected as Wilderness now. The remaining portion should be left as a Further Planning Area, as was done in the House compromise legislation.

Close lying areas such as Williams Fork are important to the Club and to Denver's future. Even using the Forest Service figures, which we feel are conservative, Wilderness use is growing statewide at the rate of 6-7% per year. Front range use is probably increasing at a much higher rate. In Williams Fork, for example, Forest Service figures show that in just one year between 1981 and 1982 hiking increased 28%, cross country skiing increased 67%, big game hunting increased 40%, and cold water fishing increased 19%. Very crowded parking lots are becoming common in close lying areas. Use is so heavy that for the first time some areas like Indian Peaks may this year only be used with a permit. Permits will soon be required for use of the Rawah, Eagles Nest, Maroon Bells and Weminuche areas. Having Williams Fork as a nearby Wilderness will relieve some of this pressure.

While S. 2916 includes Vasquez Peak, the bill excludes the adjacent St. Louis Peak area. Both have some of the fastest access from Denver, particularly in the winter when our members take many organized cross-country ski and snowshoe trips there. Winter sports in general, are the fastest growing activity within the Club over the last ten years. We take about fifty Club trips per year in the Vasquez Peak and St. Louis Peak areas. We see no logical reason to exclude St. Louis Peak. The boundaries are as manageable and distinct as many other areas. Being close to Denver, this is one area which can help meet the front range demand for wilderness.

Another very close lying area used by our membership, but excluded by the Armstrong bill is the Lost Creek Addition. Even the House compromise included the very popular Ben Tyler trail and Rock Creek Trails. The Ben Tyler trail lies an hour's drive from Denver and accordingly is a good choice for those many people who seek a wilderness experience to rejuvenate their spirits, but who have a day or less to do so. Lost Creek is accessible early and late in the year. It should be included.

While further away, Buffalo Peaks is still only about a two hour drive from Denver. We take a number of trips here annually. We oppose the S. 2916 boundaries which eliminate the Davis Meadows and Pony Creek areas. Lower lying, and abundant with wildlife, particularly bighorn sheep, these areas should be kept within the wilderness to preserve these unique features.

Last, but by no means least, we concur with Senator Hart's inclusion of the Oh be Joyful, Fossil Ridge, Spanish Peaks, South San Juan Expansions, Big Blue Additions and the Wheeler Geologic areas. Each is often used by local Group members and each forms a frequent objective of even far away Group members contemplating weekend and more extended wilderness trips. We have studied the alleged conflicts within each area, but these are far outweighed by each area's unique wilderness attributes.

A study by our members has shown that, as an entirety, the Hart Bill's areas, including Williams Fork, have the following attributes:

1. There are at least 257 peaks over 12,000 ft. high.
2. There are an additional 140 mountains over 13,000 ft. high.
3. Eight peaks loom above the magical 14,000 ft. level.
4. At least 339 lakes (mainly near the timberline regions) are to be found.
5. Dozens of waterfalls over 100 ft. high exist - some only known by a few.
6. In all, just about 40% of all the terrain is above timberline and if one studies this fact leaving out Service Creek, Spruce Creek, and Piedra, which are exclusively forested areas - 50% of these lands are above timberline.
7. This results in about 20% of all the 800,000 acres near the timberline region - the most delicate and fragile of all mountain areas.
8. In fact, approximately 20% of all the areas are in some form of wetlands, made up of marshes, meadows, and vast valley bottomland areas. Wetlands are vital to the ecology of any area and the home and life-blood for all wildlife and fish.

We emphasize that these 18 areas are those remaining from the original 234 RARE II areas. Thirty-four were placed into the 1980 Bill and over 180 have been excluded from Wilderness consideration. From the original 6.4 million acres of RARE II lands in Colorado only 2.2 million acres will become preserved if all 18 areas, including Williams Fork, are designated as Wilderness. That means only about one-third of the lands eligible for Wilderness will have been protected. There is no need for further compromise.

Wilderness is not only vital to the Colorado Mountain Club, but is essential if Colorado is to preserve a stable, self-perpetrating economy - an economy based on scenic, recreational and tourist activities of the past. Addition of new Wilderness areas would benefit the local economies of nearby areas. In fact, a recent report by the Colorado Mountain Club entitled "Colorado's Natural Recreational Resources - An Unrecognized Economic Asset" points out the importance of Wilderness recreation to the State. For instance, in one 12 month period a study of the register of a remote 14,309 foot summit in southern Colorado, that of Uncompahgre Park, showed it was climbed by 744 people from 43 states and 7 foreign countries. these figures are typical of remote climbing use in the State.

In another report entitled "Wilderness - Preserves a Stable, Long-Life Economy" done as an independent report by one of our members comparing Colorado's and Switzerland's economy, it indicated 22,000 man-day visits were made in one 4-day July 4th weekend in 1982 in the Holy Cross Wilderness, bringing in to the local economy over 1/2 million dollars. Wilderness use has grown manyfold in the 70's and has continued to boom in the 80's. Both these reports have been previously sent to the Colorado Delegation.

The point is clear - preserving Wilderness makes sense. It is good for man, his spiritual, recreational, and economic well-being. Wilderness is also the source of fresh air and water and the home of fish and wildlife.

In conclusion, we support the completion of the Colorado RARE II process now and ask that the Colorado Conservationists Proposal boundaries be recommended by this Committee and passed by the full Senate and House.

Respectfully submitted,

Glenn E. Porzak
Past President and
Chairman of Wilderness
Legislation Committee

GEP/ph

Senator **WALLOP**. Mr. Breese, I must say it is interesting testimony which could be used as well to argue for the case of less rather than more designation. It would seem to argue for more access, not less access.

Mr. **BREESE**. These are wilderness uses I am talking about.

Senator **WALLOP**. I understand what but they don't disappear with the idea of being able to make them more accessible. The peak isn't going to fall down if it is or is not in the system.

If it is getting traffic, it would seem to me one way of dealing with that traffic would be to use high-quality back country structures and other things.

I would say that in some areas in Colorado that I have been in and some areas in Wyoming that I have been in, in the wilderness areas, that overuse and the lack of ability to put in reasonable structures for sanitation and other things is highly degrading to the value of what it sought to protect.

I mean I know the argument can run both ways. I am just saying that it can be viewed in both directions. I am not one who panics over an area simply because it is not accessible. I think there are other means by which citizen protection can and does exist for areas of high quality.

I appreciate your testimony, all of you. The next panel, Mr. Don Gilbert from Colorado Springs; Mr. Jim Riley, Intermountain Forestry Service in Ogden, UT; and Mr. Spann of the Colorado Cattlemen's Association.

Mr. Gilbert.

STATEMENT OF DONALD H. GILBERT, PRESIDENT, GILBERT ENTERPRISES, INC., COLORADO SPRINGS, CO

Mr. GILBERT. Thank you, Mr. Chairman. My name is Donald H. Gilbert. I am from Colorado Springs, CO. I am a professional forester and president of Gilbert Enterprises, Inc., a sawmill and forest products company, and also vice president of the Colorado Timber Industry Association.

The testimony I present today is offered in behalf of these interests. The Colorado Timber Industry is a 60-member organization composed of both large and small businesses within the State that deal with the manufacturing of wood products. This includes loggers and processing facilities such as sawmills, waferboard plants, post and pole mills, and firewood dealers. Many of these businesses, including my own, rely heavily upon U.S. Forest Service timber sales to procure the raw materials.

There is currently a drastic shortage of wood fiber available to these businesses because of Government lands being withdrawn from potential logging and being classified as wilderness areas. This is hurting the businesses in the State of Colorado.

The limiting factor to growth in my own business is not the marketability to sell my product, but the ability to procure the raw materials necessary to manufacture the products, for example, logs and wood fiber.

Since I went into business in 1976, I have run my company on the multiple-use principle of products that I produce. This I have found is what I have had to do to remain efficient in processing timber. We are currently maximizing utilization of the raw resource by manufacturing various products such as railroad ties, landscape timbers, dimensional lumber, and firewood.

I believe the same principle of multiple use should also apply to the Federal Government. However, we still need more wood.

Wilderness areas are a dominant use of those designated areas and should be used very restrictively if the Colorado timber resource is to be utilized as efficiently as I am trying to run my sawmill. It disturbs me greatly, both as a professional forester and as a wood products businessman, to see vast amounts of Colorado timber resource going to waste because of insects and disease infestations rather than put to productive use.

In January of this year I wrote down the goal that I wanted to produce 3,000 cords of wood during 1984. Right now I will be fortunate to be able to produce one-half of that goal because I am unable to procure the remaining volume. I know from my own experience I cannot achieve any degree of certainty in long-term business planning if my raw material supply is in question.

The fundamental basis of communities in our State are the basic industries that process raw materials. Entire communities within Colorado are financially dependent upon the wood products industry. These communities rely upon our businesses to provide employment taxes and purchasers.

In light of these comments that I have made today, I therefore conclude that small businessmen of the forest products industry of Colorado generally support Senator Armstrong's bill, S. 2916, as introduced in Mr. Riley's testimony.

Thank you.

[The prepared statement of Mr. Gilbert follows:]

STATEMENT OF DONALD H. GILBERT

on S.2916, H.R. 5426, and S.2032

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

U.S. SENATE - SEPTEMBER 18, 1984

My name is Donald H. Gilbert and I'm from Colorado Springs, Colorado. I am a professional forester and President of Gilbert Enterprises, Inc., a sawmill and forest products company, and also Vice-President of the Colorado Timber Industry Association. The testimony I present today is offered in behalf of these interests.

The Colorado Timber Industry Association is a 60 member organization composed of both large and small businesses, within the state, that deal with the manufacturing of wood products. This includes loggers, who supply the raw materials to the processing facilities and the processing facilities themselves such as sawmills, waferboard plants, post and pole mills and firewood dealers. Many of the members are small businessmen who are owner/operators and employ between 10-20 personnel.

Many of these businesses, including my own, rely heavily upon USFS timber sales to procure their raw materials. There is currently a drastic shortage of wood fiber available to these businesses because of government lands being withdrawn from potential logging and being classified as wilderness areas. This is hurting these small businesses in the State of Colorado.

The limiting factor to growth in my own business is not the market ability to sell my products but the ability to procure the raw materials necessary to manufacture the products -- i.e., logs and wood fiber. Since I went into business in 1976, I have run my company on the multiple use principle of products that I produce. This, I have found, is what I've had to do to remain efficient in processing timber. We are currently maximizing utilization of the raw resource by manufacturing various products such as railroad ties, landscape timbers, dimensional lumber and firewood. The entire tree is utilized down to a 3" diameter top. As a forester, I believe the same principle of multiple use should also apply to the federal government. However, we still need more wood.

Wilderness areas are a dominant use of those designated areas and should be used very restrictively if the Colorado timber resource is to be utilized as efficiently as I'm trying to run my sawmill. It disturbs me greatly, both as a professional forester and as a wood products businessman to see vast amounts of the Colorado timber resource going to waste because of insects and disease infestations rather than put to productive use.

In January of this year I wrote down the goal that I wanted to produce 3000 cords of wood during 1984. Right now, I'll be fortunate to be able to produce one-half of that goal because I'm unable to procure the remaining volume.

I know from my own experience that I cannot achieve any degree of certainty in long term business planning if my raw material supply is in question. It is extremely difficult to purchase needed, new equipment when I don't know for sure if the timber is available to warrant purchasing the equipment. Bankers want to see long term planning for using this equipment before they commit themselves financially to my operation. This, I can not now give them.

The fundamental basis of communities in our state are the basic industries that process raw materials. Entire communities within Colorado are financially dependent upon the wood products industry. These communities rely upon our businesses to provide employment, taxes, and purchasers of euqipment, supplies, fuel and insurance. Forest products are the foundation of many Colorado communities.

In light of these comments that I've made today, I therefore conclude that small businessmen of the forest products industry of Colorado generally support Senator Armstrong's Bill, S. 2916, as introduced in Mr. Riley's testimony.

Thank you.

Senator WALLOP. Thank you, Mr. Gilbert.
Mr. Riley.

STATEMENT OF JAMES S. RILEY, EXECUTIVE DIRECTOR, INTERMOUNTAIN FORESTRY SERVICES, OGDEN, UT

Mr. RILEY. I am James S. Riley, executive director of Intermountain Forestry Services in Ogden, UT.

Intermountain is a trade association representing lumber manufacturers in Colorado, southern Idaho, Utah, and Wyoming. Our members almost entirely are dependent upon national forest timber as a source of raw material for their mills.

With the passage of the Colorado wilderness bill in 1980, many companies in our industry felt the issue for Colorado would be largely resolved. Even though the bill did not contain important release provisions for areas not designated as wilderness and committed to a future bill to address the further planning areas, many of us in the industry viewed it as a statement of intent as to what the future use of Colorado national forest land would be.

Based on this 1980 bill, the guidance for evaluating future availability of Forest Service timber, several companies initiated capital investment programs to improve their milling efficiency. Major construction or reconstruction projects are in process or have been completed in Montrose, Kremmling, and Olathe.

As an example of the importance of the timber industry to Colorado, consider if you will the Kremmling and Olathe examples. Prior to the construction of the new sawmill in Kremmling, CO, unemployment was above 30 percent, far above the national average at that time. Now there are more jobs than there are workers.

Positions at the sawmill and waferwood facility are available which cannot be filled.

In Olathe, the latest data indicated unemployment of more than 11 percent, also above the national average. The new waferwood mill has just started operation, creating an additional 150 to 200 jobs.

The situation is similar at the Blue Mesa sawmill in Mantros where major reconstruction will create many new jobs as well.

Maintaining a raw material source for these mills will be vital to ensuring the continuing employment of the workers in these areas and the economic base for local communities.

The Colorado forest products industry generally supports S. 2916 as introduced by Senator Armstrong, with the exception of the Service Creek and Vasquez areas.

We are opposed to H.R. 5426 or S. 2032 as they contain excessive acreage, in most cases far beyond that which was indentified in the 1980 bill for further planning, and enactment of these bills would severely constrain our raw material supplies and our ability to continue our operations.

The Service Creek Area is an example which we do not support as wilderness. It is below timberline, laying between 7,000 and 11,000 feet in elevation, contains no prominent peaks, and is characterized by long, broad, timber-covered slopes. It does not have the highly unique qualities that traditionally qualify areas for wilderness.

Furthermore, more than 18,000 acres of the Service Creek Area is classified as suitable timberland by the Forest Service. More than 96 percent of the suitable timberland is currently occupied by sawtimber-size stands, mature and overmature trees. The long-term sustained yield from the service area is estimated at 2.6 million board feet per year. This represents nearly 10 percent of the annual resource need for the new sawmill in Colorado.

I have enclosed with my testimony specific statements from local operators regarding our position and rationale on Service Creek, Vasquez and the other areas in the bill before the committee.

We stand ready to provide any additional information that would be helpful as requested by the committee. I trust any bill reported by this committee will contain the new compromise release language which is included in all recently passed bills, and we support that as a viable compromise.

This concludes my testimony today. I would be happy to answer any questions.

[The prepared statement of Mr. Riley follows:]

INTERMOUNTAIN FORESTRY SERVICES

STATEMENT OF INTERMOUNTAIN FORESTRY SERVICES

on S. 2916, HR. 5426, and S. 2032
before the

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

U.S. SENATE - SEPTEMBER 18, 1984

I am James S. Riley, Executive Director of Intermountain Forestry Services located in Ogden, Utah. Intermountain Forestry Services is a trade association representing lumber manufactures in Colorado, Southern Idaho, Utah and Wyoming. Our members are almost one hundred percent dependent on National Forest timber as a source of raw material for their mills.

SITUATION OF THE COLORADO FOREST PRODUCTS INDUSTRY

With the passage of the Colorado Wilderness bill in 1980, many companies in the industry felt the issue for Colorado had been mostly resolved. Even though the bill did not contain important release provisions for the areas not designated Wilderness and committed to a future bill to address the further planning areas, many in the industry viewed it as a statement of intent. Based on the 1980 bill several companies initiated capital investment programs to improve milling efficiency. Major construction or reconstruction projects are in process or have been completed in Montrose, Kremmling, and Olathe.

As an example of the importance of the timber industry to Colorado, consider the Kremmling and Olathe examples. Prior to the construction of the new sawmill and waferwood facilities at Kremmling unemployment was above thirty percent, far above the national average. Now, there are more jobs than workers. Positions are available which cannot be filled.

In Olathe, the latest data indicated unemployment of more than eleven percent. The new waferwood mill has just started operation, creating 150 - 200 new jobs. The situation is simular at the Blue Mesa Sawmill in Mantros where major reconstruction will create many new jobs as well.

Maintaining the raw material source for these mills will be vital to ensuring the continued employment of the workers in these areas and the economic base of the local communities.

SUPPORT FOR S. 2916

For these reasons the Colorado forest products industry supports S. 2916, as introduced by Senator Armstrong, with the exception of the Service Creek area on the Routt National Forest. We do not support HR. 5426 of S. 2032 as they contain excessive acreage, in some cases far beyond what was indentified for further planning in the 1980 bill. Enactment of these bills would severely constrain our raw material supplies.

The Service Creek area, which we do not support as Wilderness is below timberline, laying between 7,000 and 10,700 feet elevation, with no prominent peaks, and characterized by long, broad, timber covered slopes. It does not have the highly unique qualities that traditionally quality an area for Wilderness.

Furthermore, more than 18,000 acres of the Service Creek Area is classified as suitable for timber production. More than ninty-six percent of the suitable timberland is currently occupied by sawtimber size stands - mature and overmature trees. The long term sustained timber yield from the Service Creek area is estimated a 2.6 million board feet per year. This represents nearly ten percent of the annual resource need for the new sawmill at Kremmling, Colorado.

I have enclosed with my testimony, specific statements from local operators regarding our positions and rationale on other areas in the bills before this committee. We stand ready to provide any additional information that would be helpful.

This concludes my testimony today. I would be happy to answer any questions at this time.

Louisiana-Pacific Corporation

P.O Box 484
Kremmling, Colorado 80459
303 / 724-3467

May 15, 1984

The Honorable John F. Seiberling
House Office Building
Washington, D. C. 20515

RE: Hearings on H.R. 5426 and H.R. 5470
Colorado Wilderness Acts of 1984

Dear Congressman Seiberling:

Please enter the following for the record:

Louisiana-Pacific now has four operations in Colorado. These operations are located at Walden (sawmill), Kremmling (sawmill and waferwood) and Olathe (waferwood). All of these are small communities dependent on resource based industry for economic stability. None are recreational or destination resort areas.

In general, we feel there is already too much Wilderness in Colorado. In reality, we know there is going to be more. With that realization, we encourage quick-but fair and equitable - settlement of the 1984 Colorado Wilderness issue.

Louisiana-Pacific generally supports Congressman Kogovsek's bill, H.R.5426. We do not support Congressman Worth's proposition H.R.5470 and its grossly excessive acreage. We commend Mr. Kogovsek's far-sightedness and objectiveness in deleting several areas - specifically the Davis Peak, Williams Fork, and Wheeler Geologic areas.

Our specific and major area of concern, and that toward which the remainder of our comments are directed, is the Service Creek area.

Service Creek is an area of approximately forty thousand acres that lies forty miles west of Kremmling. Mr. Kogovsek has recommended approximately 42 thousand acres for wilderness. Mr. Worth has recommended approximately 50 thousand acres. We feel that none of this area should be designated Wilderness.

Following are our reasons:

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1. Timber - All of the Service Creek area is below timberline, laying between 7,000 and 10,700 feet elevation, with no prominent peaks, and characterized by long, broad, timber covered slopes. Over 18,000 acres of the area is classified suitable for timber production by the Forest Service. 96% of this 18,000 acres is currently occupied by sawtimber size stands - mature and over-mature trees. These suitable lands have a long term sustained yield potential of 2.6 million board feet per year, over 10% of the annual resource need for the new Kremmling sawmill.

   In addition, the mountain pine beetle is showing increased signs of activity throughout the area. This is due to the large acreages and years of non-management creating old age, highly susceptable stands.

2. Need - We seriously question the Forest Service's finding of "need" that the Service Creek area be designated Wilderness. There are 1.7 million acres of existing Wilderness within a 100 mile radius of the proposed area.

   There are over 700 thousand acres of Wilderness within a 50 mile radius in eight areas. Of these eight areas, three receive "low" us three receive "moderate" use, and only two receive "high" use by the USFS rating system. This hardly indicates a "need" of the Service Creek area for additional Wilderness.

3. Recreation - Current recreational use of the Service Creek area is 1,800 RVD's per year. A Wilderness designation would increase the potential to 8,500 RVD's per year. However, a Resource Development Alternative presented by the USFS would increase potential to over 50,000 RVD's per year.

   It appears obvious that Wilderness designation of the Service Creek area is not the route to providing more diverse recreational capacity.

4. Community Dependence - Kremmling is a working community of 1,400 population. Our wood processing facilities will provide for over 200 direct jobs, a substantial community economic factor. Prior to L-P purchas the sawmill site, Kremmling unemployment was over 30%. Now it's unde 5%, a significant improvement. Attached please find letter from Kremmling Mayor Paul Herman clarifying the town's concern and positi

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5. USFS Demand Trends - The DEIS for the Service Creek Area was prepared prior to Louisiana-Pacific establishing operations in Colorado. All demand trends were based on past historical trends without allowance for future potential expansion, new or innovative markets, or unexpected changes in demand. This is a shortcoming with all Forest Plans, but is particularly relevant to the Service Creek area.

   During the previous year, we have puchased less than one-half of the annual volume needed for maintaining full operations. Service Creek could assist in stabilizing the resource availability for the Kremmling operations.

6. Multiple Use - The Forest Service was established as a multiple use agency. Multiple use of the Service Creek area will provide increased forage, Mountain Pine Beetle control, fuel treatment for wildfire protection, increased water yield, and increased habitat diversity for both plants and animals.

7. Threatened and Endangered Species - There are no threatened and endangered species, either plants or animals, in the Service Creek area. Likewise, there are no species of plants or animals in the area that require a Wilderness environment for survival.

In conclusion, the timber industry in Colorado has become a near extinct industry. It is not only short sighted resource management, but bordering on sacrilegious, to allow a potentially productive area to remain un-managed, to allow a living, usefull resource to die and waste unnecessarily.

We support the release compromise language recently agree on. Let's compromise, arrive at a reasonable proposal, pass a bill, and get on with our work.

On additional closing remark: There are 267 thousand acres of additional roadless areas in Colorado. These must be addressed and specified as "released" lands in any Bill that is proposed.

Sincerely yours,

Conrad Rupert

Conrad Rupert
Senior Resource Manager

CC: Congressman Ray Kogovsek
Congressman Larry Craig
Senator Bill Armstrong

Woodland Management Consultants
P. O. Box 10
Fort Collins, Colorado 80522
(303) 221-1336

April 4, 1984

Mr. Ray Kogovsek.
430 Cannon House Office Building
Washington,D.C. 20515

Dear Mr. Kogovsek,

The purpose of this letter is to respond to the continued introduction of wilderness legislation for Colorado.

First, and most important, an immense amount of effort went into the Colorado Wilderness Act of 1980. In this law are a number of important principles which should not be ignored in any forthcoming legislation. I feel the issue of greatest concern is the lands not designated wilderness, study or further planning should remain in multiple use for the remainder of the planning period. If this principle is ignored the US Forest Service will be forever studying new areas, thus limiting effective management of the national forest system.

Concerning the study and further planning areas, I will comment on only the areas I am familar:

1. Oh-Be-Joyful; remain under multiple use. This area has an extensive history of mineral exploration and excavation and timbering. There are no outstanding geological or geographical features, and the area is to small for effective soltitude. Adjacent wilderness areas on the Gunnison Forest are more than adequate to meet present and future needs.

2. South San Jaun Expansion; remain for multiple use. The existing wilderness area is so huge that interior sections receive little or no use.

3. Spruce Creek; remain in multiple use. Rationale #2, also this area is some of the most productive timber growing sites in Colorado.

4. Vasquez Peak; reamin in multiple use. This area is in the heart of one of the "growth" areas of Colorado. Increasing number of people are coming to this area for a variety of recreational uses. Also, this area is excellent timber producing sites.

5. West Needle; remain in multiple use. Rationale #'s 2 and 4.

6. Davis Peak; reamin in multiple use. Rationale 2 and 3.

7. Lost Creek; reamin in multiple use. Rationale #4.

8. Service Creek; remain in multiple use. Rationale 2 and 3. In addition, the surrounding areas are in the midst of an epidemic mountain pine beetle outbreak. To designate this area as wilderness will leave just one more large breeding area for the bugs, thus affecting all the adjacent acres.

9. St. Louis Peak,Willaims Fork; reamin in multiple use. Rationale 3, 4 and 8.

I appreciate this oppurtunity to comment on these areas; further, I can assure you I will be following this issue with intense interest.

Sincerely,

William Gherardi
Forester

Southwest Forest Industries
SOUTH FORK LUMBER OPERATIONS

Post Office Box 188
South Fork, Colorado 81154
Telephone - (303) 873-5521

April 13, 1984

The Honorable Ray Kogovsek
House of Representatives
430 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Kogovsek:

This is in response to your letter of March 26, 1984, to Mr. James S. Riley, Executive Director, Inter-mountain Forest Services in Ogden, Utah, requesting recommendations concerning future management direction for areas designated in the Colorado Wilderness Act of 1980 as study or further planning areas.

As you know, this manufacturing facility of Southwest Forest Industries is located in South Fork, Colorado, has been in operation at this location for many years and since 1970 as a Southwest Forest Industries operation. We employ 65 people in our manufacturing operations and another 30 in our woods operations, and are a major contributor to the local economy. We depend primarily upon the Rio Grande National Forest for our raw material needs but also obtain timber from the San Juan National Forest and the Grand Mesa, Uncompahgre and Gunnison National Forests.

Of primary importance to us is the area surrounding the Wheeler Geologic Area which Senator Hart has included in his wilderness bill. We strongly recommend that the area be placed in multiple-use status, there is simply no valid reason to designate the area as Wilderness and limit access to only people on foot or horseback. With the exception of the formations themselves which we believe should be protected, the area has no unique value and the surrounding timber stands need to managed on a sustained yield, multiple-use basis. A road system adequate to serve the needs of timber and other management activities would be relatively easy to develop and close, if desired. (See attached map). The Forest Service draft report on the Wheeler area shows 47 million board feet of timber on just 4800 acres of land surrounding the geologic formations. Yet Hart's bill includes some 29,500 acres. To set this much land aside for Wilderness would be a gross waste of a valuable natural resource.

The second area of importance to us is the Piedra Wilderness Study Area. We strongly disagree with the Forest Service proposal that this area be designated Wilderness. The discussion of Wilderness "Need" factors in the San Juan National Forest Land and Resource Management Plan, Final Environmental Impact Statement in our opinion does not support or justify the conclusion that there is indeed a high need for this area to be in Wilderness. With reference to Table IV-19 which begins on page 49 of the EIS, statements are made that (1) there are 15

Pg. 2

designated Wildernesses within a radius of 100 miles from the proposed WSA, only one of which receives relatively high usage, (2) presently there are a multitude of non-wilderness lands available in the area on which opportunities are available for unconfined outdoor recreation, although this is not expected to remain the case. However, meaningful reasons why this is not expected to remain the case are not given, and (3) there are no unique land or ecosystems found on the WSA that are not represented in other wildernesses in the vicinity. The only real need factor seems to be that this particular WSA is located in a lower elevation mountain ecosystem from most other Wilderness areas on the forest which, in our opinion, is not reason enough to remove 40,018 acres of commercial forest land containing 309 MMBF of softwood sawtimber growing stock from the timber base on the forest. We strongly recommend full multiple-use status for the area.

The final two areas of concern to us as a possible source of timber to this facility are the Montezuma Peak and V-Rock Trail areas which are referred to as the South San Juan Wilderness Expansion Study Area. These two areas contain over 22,000 acres of timber land supporting 260 million board feet of timber. We recommend that this area be placed in full multiple-use status, as pointed out in the San Juan National Forest Land and Resource Management Plan, Final Environmental Impact Statement, the need for additional Wilderness of the type represented on this WSA is relatively low. There are 19 designated Wilderness areas within a radius of 100 miles from the WSA, totaling approximately 1.64 million acres which cover a variety of ecosystem type and are readily accessible from the major population centers along the Forest Range of the Rocky Mountains as well as other areas of the southwest. The Plan further states that there are no known Federal threatened or endangered plant or animal species with the WSA and that the area possibly contains suitable grizzly bear habitat but that the possibility that grizzly bear inhabit the area is very low. Further, there are no unique landforms on the WSA that are not found on nearby Wildernesses and no known ecosystems.

We understand you have very recently introduced a Wilderness bill which does not include the South San Juan and the Wheeler area. We are grateful that you did not include these, but feel our remarks are pertinent anyway and would appreciate your consideration of deleting the Piedra area as well.

I want to thank you for the cooperation you have given us in the past and I am taking the liberty of copying Senator Armstrong with this letter.

Yours very truly,

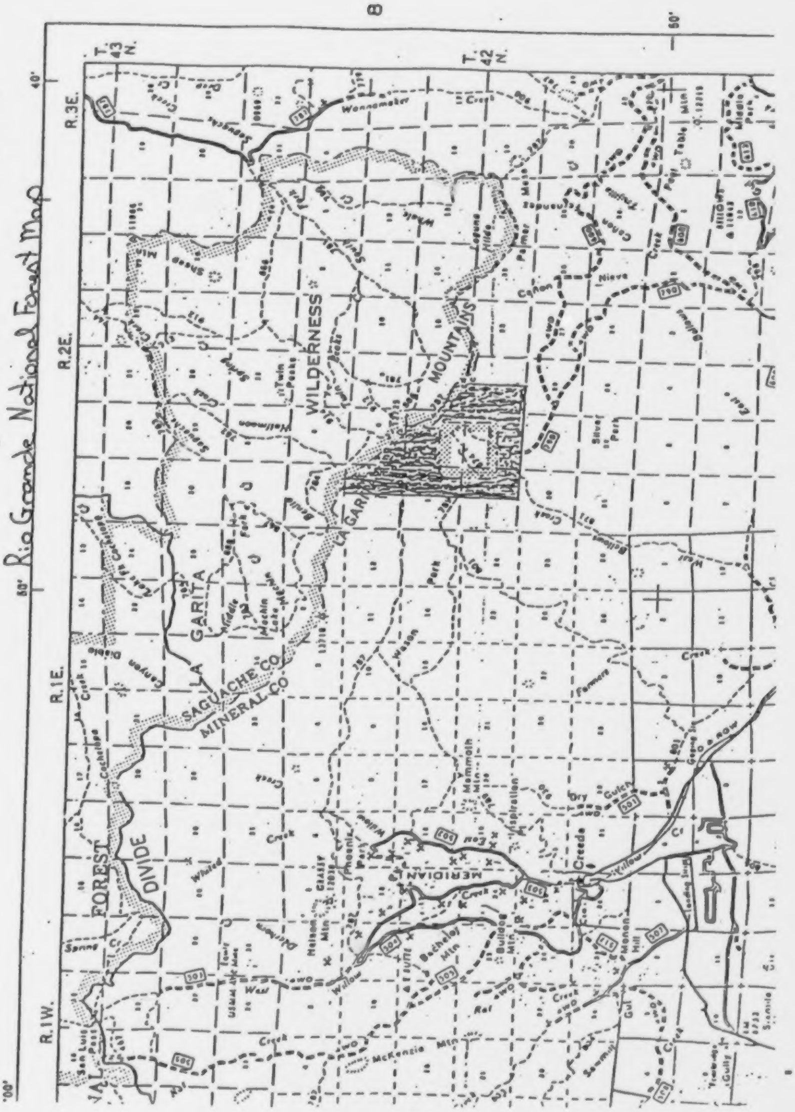
CN Davis

C.N. Davis
Resident Manager

cc: Senator Armstrong

Southwest Forest Industries recommended
Set-aside area around Wheeler geologic area
½" = 1 mile

Rio Grande National Forest Map


R.1W.
R.1E.
R.2E.
R.3E.
T.43N.
T.42N.
40'
50'
LA GARITA
WILDERNESS
MOUNTAINS
SAGUACHE CO.
MINERAL CO.
FOREST
DIVIDE
Creede
Wannamaker
Mammoth Mtn
Bachelor Mtn
McKenzie Mtn
Nieve
Farmers
Dry Gulch
Willow
Silver Park

Senator **Wallop**. Thank you, Mr. Riley.

Mr. Spann.

STATEMENT OF LEE SPANN, COLORADO CATTLEMEN'S ASSOCIATION, DENVER, CO

Mr. **Spann**. Thank you, Mr. Chairman. My name is Lee Spann. I am a fourth generation rancher from Colorado. I am a permittee on the Gunnison National Forest on an allotment that includes a portion of Maroon Bells-Snowmass Area. In fact, I have cattle grazing there today.

Additionally, I am a major user of water rights on the Gunnison River, water which primarily arises on the adjacent wilderness areas.

I am appearing here today on behalf of the Colorado Cattlemen's Association, the Upper Gunnison River Conservancy District, and myself as a water rights holder downstream from several proposed wilderness areas.

To highlight my testimony, we are concerned about four major points in the legislation—the water that arises in these wilderness areas, the guidelines that govern continued grazing in the areas, the treatment of the the vacant allotments at the time of enactment, and releasing to multiple use those management areas deemed not appropriate for wilderness inclusion at this time.

Obviously any major change in the administration of water will have major consequences on all the downstream appropriators throughout the State and the West. We feel that the United States should acquire water in the same manner as any other public or private user or appropriator. An examination of the limited purposes for which Congress originally authorized the reservation of the national forestlands provides no support for the claim that it intended to reserve minimum in-stream flows for esthetic, recreational or preservation purposes.

We feel strongly that the doctrine of prior appropriation has been a major factor in the successful development of agriculture and our communities in the arid West. The potential economic and social disruption that might be caused by an unnecessary further expansion of the Federal reserved water rights doctrine in the wilderness areas should be avoided.

We would ask that this legislation include language to the effect that all water which arises in the wilderness areas be administered fully subject to the laws of the State in which the wilderness is located, thereby recognizing and reaffirming the right of States to appropriate and control the use of water in its rivers and streams.

Another important issue we feel should be clarified by this committee is the meaning of the Wilderness Act language that livestock grazing where established prior to an area being made wilderness should be permitted to continue.

Unfortunately, there are a number of grazing allotments in areas covered by this bill that are temporarily not being grazed because of current economic conditions. These remain on the Forest Service books as designated grazing areas which are expected to be grazed again when the sheep and cattle prices improve.

We believe that the intent of the law is not to introduce grazing where it did not exist previously, and we don't think the word "establish" should be taken to mean that livestock grazing had to be literally occurring on the exact date of the enactment. As a matter of fact, grazing is commonly seasonal, too literal an interpretation wouldn't be commonsense.

Because of confusion about this in the Forest Service regulations, we urge the committee to clarify this issue so that grazing is not precluded from any areas added to the wilderness system just becuase of a temporary situation.

The grazing guidelines established by the 1980 Wilderness Act have been very helpful in solving some of the previous problems experienced by grazers in earlier wilderness areas. After working at the local level with these guidelines in place, we have found no abuse of them by the permittees nor administrative problems by the Forest Service personnel. In fact, these guidelines have greatly improved the working relationship between the wilderness area grazing, permitting and the agency personnel responsible for the administration of these wilderness areas.

We urge the committee to restate these guidelines in this bill so that there can be no question of their application and to expand them to include the clarification I mentioned previously concerning the so-called vacant allotments.

Finally, we are indeed concerned about the continued creation of wilderness areas in our State. We would urge that these areas not deemed appropriate for inclusion in the National Wilderness Preservation System in this legislation be finally released for multiple-use management. Colorado will have with the passage of this legislation identified and protected those areas that truly meet the high wilderness standards.

Any future expansion of the system in our State cannot help but include lands that do not meet the criteria for wilderness as intended by the drafters of the landmark 1964 legislation.

We would hope today to close this chapter on land law legislation for Colorado with a refined, cooperative system of protected pristine lands in place for the future.

Thank you very much for the opportunity to present this testimony.

[The prepared statement of Mr. Spann follows:]

STATEMENT
OF THE
COLORADO CATTLEMEN'S ASSOCIATION
&
the UPPER GUNNISON RIVER CONSERVANCY DISTRICT

concerning

designating certain National Forest Systems Lands in Colorado for inclusion in the National Wilderness Preservation System.

before the
U.S. Senate

Presented by
LEE SPANN
of
Gunnison, Colorado
Past President, Colorado Cattlemen's Association
Director, Upper Gunnison River Conservancy District

September 18, 1984
Washington, D.C.

Mr. Chairman, Senator Armstrong, and distinguished members of this committee, my name is Lee Spann and I'm a 4th generation cattleman from Colorado. I raise cattle on a family operation headquartered at Gunnison, Colorado. We trace our ranching roots in the high country of that area directly back to 1880. I am a permittee on the Gunnison National Forest on an allotment that includes a portion in the current Maroon Bells-Snowmass Wilderness. Additionally, I am a major user of water rights on the Gunnison River, water, which primarily arises on adjacent wilderness areas.

I am appearing here today on behalf of the Colorado Cattlemen's Association, the Upper Gunnison River Conservancy District, and myself, both as a permittee on the public lands and as a water rights holder downstream from several wilderness areas or proposed areas. The Colorado Cattlemen's Association is the oldest active livestock association in the nation. It's 117 year history of representing its members is a distinguished one. Today it reprersents some 3500 members throughout the State of Colorado, including stockmen, like myself, who operate both on private and public lands. The Upper Gunnison River Conservancy District is but one of several conservancy districts throughout the state organized to provide for the conservation of water use in the state for the direct and indirect benefit of the public, industries, municipalities, and irrigation users by providing adequate and timely water supplies and stabilizing the flow of streams.

As major public land users, cattlemen in Colorado have taken a very active interest in the creation, growth, and refinement of the National Wilderness Preservation System. Our participation goes back to the original Wilderness Act of 1964. Since that time the CCA through numerous of its members, some of them experts in public land affairs, has maintained its active voice. I was privileged to work with both the Senate and House of Representative's committees during the development of the 1980 Colorado Wilderness Bill. Again in May of this year, I was given the opportunity to testify before the House Subcommittee on Public Lands on H.R. 5426 & H.R. 5470.

To highlight my testimony, we are concerned about four major points in this legislation: the water that arises in these wilderness areas, the guidelines that govern continued grazing in wilderness areas, the treatment of vacant allotments at the time of enactment, and releasing to multiple use management those areas deemed not appropriate for wilderness inclusion at this time.

In recent weeks there have been serious legal questions raised about the water that arises in wilderness areas. Recently initiated litigation in the federal courts seeks to have the doctrine of federal reserved water rights greatly expanded in scope to include wilderness areas. The CCA has asked and been granted permission by the court to intervene in the litigation.

Obviously, any major change in the administration of water will have major consequences upon all the downstream appropriators throughout the state and the west. When a river is fully appropriated, federal reserved water rights, when quantified, will frequently require a gallon-for-gallon reduction in the amount of water available for water needy state and private appropriators. With this in view, where Congress has expressly addressed the question of whether federal entities must abide by state water law, it has almost invariably in the past deferred to the state law. We feel that the United States should acquire water in the same manner as any other public or private user or appropriator. An examination of the limited purposes for which Congress originally authorized the reservation of the National Forest lands provides no support for the claim that it intended to reserve minimum instream flows for aesthetic, recreational, and fish-preservation purposes. We feel strongly that the doctrine of prior appropriation has been a major factor in the successful development of agriculture and our communities in the arid west. The potential economic and social disruption that might be caused by an unnecessary further expansion of the federal reserved rights doctrine in wilderness areas should be avoided. We would ask that this legislation include language to the effect that all water which arises in a wilderness area be administered fully subject to the laws of the state in which the wilderness is located, thereby recognizing and reaffirming the right of the states to appropriate and control the use of water in its rivers and streams.

Another important issue that we believe should be clarified by this committee is the meaning of the Wilderness Act language that livestock grazing where established prior to an area being made wilderness shall be permitted to continue. Unfortunately, there are a number of grazing allotments in the areas covered by this bill that are temporarily not being grazed because of current economic conditions. These remain on the Forest Service books as designated grazing areas which are expected to be grazed again when sheep and cattle prices improve. We believe the intent of the law is to not introduce grazing where it did not exist previously and we don't think the word "established" should be taken to mean that livestock grazing had to be literally occuring on the exact day of enactment. As a matter of fact, grazing is commonly seasonal, so too literal an interpretation wouldn't be commonsense. Because of confusion about this in the Forest Service regulations, we urge the committee to clarify this issue so that grazing is not precluded from any areas added to the Wilderness System just because of a temporary situation.

The grazing guidelines established by the 1980 Colorado Wilderness Act have been very helpful in solving some of the previous problems experienced by grazers in earlier Wilderness areas. After working at the local level with these guidelines in place we have found no abuse of them by the permittees nor administrative problems by Forest Service personel. In fact, these guidelines have greatly improved the working relationships between wilderness area grazing permittees and the agency personel responsible for the administration of these wilderness areas. We urge the committee to restate these guidelines in this bill so that there can be no question of their application and to expand them to include the clarification I mentioned previously concerning so-called "vacant" allotments.

Finally, we are indeed concerned about the continued creation of wilderness areas in our state. We would urge that those areas not deemed appropriate for inclusion in the National Wilderness Preservation System in this legislation be finally released for multiple-use management. Colorado will have, with the passage of this legislation, identified and protected those areas that truly meet the high "wilderness" standards. Any future expansion of the system in our state cannot help but include lands that do not meet the criteria for wilderness as intended by the drafters of the landmark 1964 legislation. We hope today to close this chapter of land law legislation for Colorado with a refined, cooperative system of protected, pristine lands in place for the future.

Thank you very much for the opportunity to present these views.

Senator **Wallop**. Thank you all very much. I appreciate your patience to get us to the end of this hour, and we still have one panel yet, so I appreciate your testimony here today.

The last panel is Mr. John Porter of Cortez, CO; Dick Bratton of Sterling; Greg Hobbs of Denver; Mr. Larry Simpson of Loveland, CO; and Ted Brooks of Montrose.

Mr. Porter.

STATEMENT OF JOHN PORTER, MONTEZUMA COUNTY, CO

Mr. **Porter**. Mr. Chairman, I am John Porter. I am an irrigator and farmer in southwestern Colorado, Montezuma County.

I farm land that was homesteaded by my family three generations ago in the early 1900's. However, I am manager for the Delores Water Conservancy District, the Dolores project. For the past 2 years I have also served on the Colorado Water Power Resources Development Committee.

I want to speak today mainly as an irrigator in southwestern Colorado. We recommend that Senate bill 2916 be adopted, but on the condition that section 7 be included.

There are three basic points I want to make on section 7. I like wilderness areas, and I like minimum streamflows that go with them. In Colorado we have a present system of water rights that has allowed us to establish under that system 5,000 miles of stream that have minimum flows in them within wilderness areas.

We think that system is adequate to protect the environment of our wilderness areas as well as our streams. We feel that section 7 is mandatory to positively establish that there is not a system of water rights superimposed on the system that we have. We don't think we need more confusion in the administering of our limited resources.

The second point I want to make, Your Honor, is that like Wyoming we have a compact on the Colorado River, and I think that adoption of this wilderness bill without section 7 and in light of the *Sierra Club* v. *Block* suit, it creates a cloud on our compact. We only have a small amount of water that we can yet develop for growth. Generally speaking then, development of that water higher in the basin allows for establishments of exchanges. It allows for hydropower development. It allows for a lot more efficient use of that water before it gets away from Colorado, and we think as I just said that those two things cloud that issue. Section 7 would clear that up in my mind.

Probably the thing that concerns me the most as an irrigator in southwest Colorado is the precedent that this bill and the impact that the Sierra Club might set on the present studies that BLM are using. The Sierra Club admitted that their wilderness areas are high, but we have got some BLM studies that are high. They are downstream from my use, my diversion, and if those precedents apply to BLM wilderness areas that will be named in the future, and in light of terms like "natural state," and "pristine environment," those are nice terms, but they make me very nervous as an upstream diverter. We think section 7 needs to be in there, Your Honor.

Thank you.

Senator **Wallop**. Thank you, Mr. Porter.

Mr. Bratton.

STATEMENT OF DICK BRATTON, STERLING, CO

Mr. **Bratton**. Thank you for taking the time to continue on through this hearing to get us out of here so I can catch an airplane back to Colorado.

I am an attorney from Gunnison County. I represent the Lower South Platte Water Conservancy District also, the Upper Gunnison Water Conservancy District which I have represented for approximately 26 years.

I am a past vice president of the Colorado Water Congress, and a current member of the Colorado Water Resources Power Development Authority. I have conducted a general law practice in Gunnison for 26 years with primary emphasis on water and agricultural matters. I was also counsel for the Upper Gunnison Conservancy District in the case of the *United States* v. *Denver*.

We would urge you to include provision of section 7 in Senator Armstrong's bill. We will have a formal written document in support of this section. It is my understanding we have 2 weeks in which to do that.

Senator **Wallop**. Correct.

Mr. **Bratton**. I would like to comment directly on the urgency issue which was raised by some of the people who proposed that it is essentially a legal issue.

The technical, legal comments have been made and will be made by other people, and I would like to go to that issue.

The *United States* v. *Denver* case, at that time billions of dollars were spent in legal and other expenses by the various entities throughout the State on that case. It was filed for the specific purpose of providing certainty on this entire reserved water issue. It took several years to do it, and there is a certain cost inherent in the delay which they recognized they had to do in order to bring certainty to the water rights situation, so they could continue the millions of dollars it is going to take to develop water.

Because of the critical water rights necessary for this, we think that it is improper to ask for further delay. There are a large number of entities involved in that. I believe it is too complex to continue to pass on this—I'm sorry. I do not believe it is too complex to pass on this issue right now. I think it is a red herring to allow for delay.

If section 7 is deleted, we will certainly have continuing litigation. I would like to point out that the vast majority of responsible major water groups in Colorado support this provision as evidenced by our presence here.

In addition, the Denver Water Board represents several hundred thousand people in the Northern Colorado Water Conservancy District. It represents thousands of acres and thousands of people. The Colorado River Water Conservancy District, the entire western Colorado, the Colorado Cattlemen's Association, the entire State of Colorado—the Colorado Water Congress—the entire State of Colorado has a majority. A majority of what is virtually every water entity in the State is represented by that group. It is an active organization with extremely knowledgeable people.

The Metropolitan Water Users, a large group of people on the front range, the three smaller districts, four smaller districts, Upper Gunnison River that I represent which contains Western Colorado Mountains, which include the Aspen unit; the Lower South Platte Water Conservancy District, Eastern Plains, the Dolores Water Conservancy District in the southwest part of the Dolores project which was dedicated in August, Tri-County Water which has the Dallas Creek project—these are all knowledgeable people and intelligent people. They do not support section 7 as a knee-jerk reaction but are seriously frustrated at the prospect of one more round of costly and time-consuming litigation when they thought it had been resolved in the *United States* v. *Denver* in which nearly all of us had participated in an orderly, comprehensive lawsuit.

There is no threat nor planned threat to wilderness. It is adequately protected now. Wilderness management provisions are now in place in the current law to protect wilderness.

First, any new water project in a wilderness requires waivers.

Second, there is nothing to prevent valid claims to water rights for wilderness purposes under Colorado water law. They are claiming in testimony before you today a 1980 priority date is what they are asking for. The time between 1980 and 1984, 1985 when they might want to file to perfect the right is not very long in water terms. It is an awful long time to ask us to continue in a major project in Colorado.

There are no more Federal lands involved than what were involved in the *United States* v. *Denver* case. We are talking about a new use, a wilderness use. The same lands are involved. If they seriously thought they should have had wilderness, that should have come up in this time-consuming, very expensive, lot of resources, the possible negative impact on the wilderness values versus the negative impact on orderly water development study.

It is clear that section 7 should continue to be included in the bill.

Thank you for your time.

Senator WALLOP. Thank you, Mr. Bratton. It is a pleasure to welcome my friend and helper of many water issues, Mr. Hobbs.

STATEMENT OF GREG HOBBS, COLORADO WATER CONGRESS, DENVER, CO

Mr. HOBBS. It is a pleasure to appear before you, Senator Wallop, today on important issues, that we have submitted a memorandum to you and your subcommittee on behalf of the Colorado Water Congress.

Basically the group of water lawyers that have signed on this memorandum have many years of experience for the State of Colorado and local water interests. I have myself served as first assistant attorney general for Colorado dealing in such matters as salinity, endangered species, 404 reserved water rights. In the past 5 years I have had a private practice in the area of water law, including reserved rights.

As you know, Senator Wallop, the reserved rights theory is unlike any other kind of water right. It is visited upon water users who have planned and made expectations and obtained water uses that have been recognized and adjudicated in court, and along comes the United States and claims a priority date which was not known at the time that other water users had applied for.

We have had numerous rounds of reserved rights litigation throughout the West and in particular in Colorado, and we thought that we had seen the ultimate of all the claims that had been filed. We have been at this business in Colorado since the midsixties, and the *Eagle County* case and *Maryaken* case which upheld the law of the McCarren amendment on State adjudications came out of Colorado, and of course was followed and joined in by the attorney general of Wyoming and other Western States when those cases went to the U.S. Supreme Court.

Here we have a situation where there has been bipartisan support in the past for wilderness designation, so water debate never occurred because it was assumed, and I think our research memorandum will show, that really Congress did not imply that the Federal reserved water right would exist.

As Your Honor pointed out previously, the wilderness areas are supplemental to the national forest purposes. In the original reservations of national forest, the development of water for beneficial use was one of the primary purposes of the national forest under the Organic Act, and in the United States versus New Mexico, the Supreme Court held that here we have a peculiar kind of claim that the United States has never asserted yet. The Sierra Club, for whatever reason they decided to bring forth this issue in the midst of the Colorado Wilderness Act and other wilderness Acts, have surfaced the issue, and it looks to us as if the present case involves only the United States and the Sierra Club, and we are real concerned about that, and water users are urging the State of Colorado and are looking at themselves getting into the suit.

However, litigation is going to take 3 to 4 years. We don't know what the outcome of that suit will be. We think that in view of the neutral language of the Wilderness Act in the past, that the best way to preserve the status quo is to recognize that Federal reserved rights did not exist, that what we are dealing with was tough management restrictions that make it well nigh impossible to have a huge project that will disturb the wilderness, and the Congress did deal in the 1964 act with the question of water resources projects, and when they dealt with it they allowed the President to waive the tough access restrictions in the national interest to allow water development to go forward.

We think that the Sierra Club suit is really designed to tie up the waters in the stream because we don't believe the Sierra Club wants to see the Presidential exemption utilized, and we are concerned that the President may not be able to compromise appropriate rights in water if one is recognized through that Presidential exemption language which seems to go to access and means of construction and so on, so I guess the long and short of it is that we do not believe the Federal reserved water right exists as a result of wilderness designation.

In the Denver suit where the Colorado Supreme Court ruled on the nature and scope of and extent of reserved right, the Colorado Supreme Court followed the U.S. Supreme Court and said that the Government has open to it, if it needs additional water, to go in like any other appropriator, give notice, get the adjudication, where all the water rights that are on the stream system can be dealt with at that time rather than the approach the Sierra Club has which is hey, you guys, you weren't awake at the time these reserved rights were created, they have an earlier priority date, I'm sorry, they may block needed changes like Colorado Springs and other municipalities need to do.

Rather than prolonging my testimony, I would submit the memorandum for the committee's consideration.

[The Colorado Water Congress memorandum follows:]

MEMORANDUM

TO: Colorado Congressional Delegation, Governor Lamm, Attorney General Woodard, Colorado Water Conservation Board

FROM: Colorado Water Congress Federal Affairs Committee, Reserved Water Rights Work Group - John Sayre, Greg Hobbs, Don Hamburg, Sam Maynes, Wayne Williams, Jack Ross, Ken Balcomb, Jim Engelking

DATE: September 6, 1984

RE: Sierra Club v. Block; Federal Reserved Water Rights/Wilderness Areas; S. 2916 - Armstrong Wilderness Bill

Now pending in the Federal District Court for Colorado is a suit by the Sierra Club designed to compel the United States to make additional federal water rights claims to large amounts of Colorado water. The complaint is attached for your reference.

In paragraph 1 of the complaint the Sierra Club seeks a judgment declaring that "the U.S. possesses the reserved water rights necessary to fulfill the purposes of all present and future wilderness areas in Colorado." (emphasis added)

In paragraph 24 of the complaint, the Sierra Club alleges that the Wilderness Act requires "preservation of the water resources" within wilderness areas in "their natural condition." (emphasis added)

In Section VIII(b) of the complaint, the Sierra Club seeks a judgment that "the United States possesses federal reserved water rights sufficient to fulfill the purposes of

Colorado's 27 wilderness areas, with a priority date as of the date of each reservation." (emphasis added)

Since the 1964 Wilderness Act was passed, no Federal Administration -- Republican or Democrat -- has taken the position in Court that wilderness designation itself creates federal reserved water rights. Rather, wilderness designation has been viewed as a land use management classification regarding lands which are already in federal ownership. Accordingly, wilderness designation of BLM or Forest Service lands ordinarily imposes severe restrictions on the means of access and the use of lands which are placed into wilderness management. But, as to possible federal reserved water rights claims, the 1974 Wilderness Act and the Acts which designate wilderness areas in Colorado have been most careful not to assert that federal reserved water rights claims are being created.

Moreover, the 1964 Wilderness Act provides that the President of the United States may grant a waiver to allow necessary access into a wilderness area and construction therein, for the purpose of building needed water projects:

> Within wilderness areas in the national forests designated by this chapter (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and

> maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial;

16 U.S.C. § 1133(4). This provision has been viewed as a safety valve which would allow a State and its water users to develop critically needed water supplies. Often the best or only sites for water storage and conservation are high up in the watershed or Government lands--areas which are often targeted for wilderness designation.

But the Sierra Club suit seeks to have the Federal Courts rule that no water can be developed in and through a wilderness area in the future because the United States has rights to the water in its "natural condition." With such a quantity of water reserved in the United States, no junior could take a drop of water, nor could a senior change the place, amount, or type of its water use, because the United States would have appropriated the stream, lake, or groundwater to its own single use. The Presidential waiver provision would be meaningless, in that event.

The Sierra Club's complaint is most cleverly written with regard to the priority date of the alleged federal reserved water rights. From a reading of the complaint, it appears that the Sierra Club may argue that (1) wilderness area designation acts as a confirmation of the wilderness characteristics of certain federal lands, (2) these wilderness characteristics existed when each federal reservation, such as a national forest, was first created, and, finally, (3) preservation of the wilderness character of the reservation requires a federal water right for instream flow, groundwater and lake levels, with a priority date of the original federal reservation.

Upon passage of the 1964 Wilderness Act "all areas within the national forests" previously classified by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness," "wild," or "canoe" were automatically designated as wilderness areas. 16 U.S.C. § 1132(a). Thus, these forest reservations, and the recognition of their wilderness characteristics, predated the National Wilderness Preservation System established by the 1964 Act. It seems logical to assume that the Sierra Club will argue that wilderness designation acts as a confirmation of the wilderness characteristics of pre-existing reservations and, therefore, that the "wilderness" federal reserved water rights should be antedated to the date the forest reservation was first established.

Representatives of the Sierra Club have been quoted as saying that the complaint in the Block case was only intended to force the United States to quantify water needed for the original purposes of each reservation, such as a national forest, as it existed prior to wilderness designation under the 1964 Act or subsequent legislation. If this were the case, however, the complaint could have been easily phrased, or amended, to allege that the United States had "failed to claim federal reserved water rights for federal reservations which have been subsequently designated as wilderness areas."

In contrast, the Sierra Club complaint pointedly reads that "preservation" of all water resources in "their natural condition" is what is being sought for all wilderness areas in Colorado. Since the United States Supreme Court has already ruled that the national forests do not carry with them a federal water right for preservation of instream flow, United States v. New Mexico, 438 U.S. 696 (1978), it is clear that the Sierra Club's real aim is to overcome the New Mexico case by seeking to establish a whole new set of federal reserved water rights through wilderness designation. This is what the United States Supreme Court said about the instream flow claims of the United States in the New Mexico case:

> The quantification of reserved water rights for the national forests is of critical importance to the West, where, as noted earlier, water is scarce and where more than 50% of the available water either originates in or flows through national forests. When, as in the case of the Rio Mimbres, a river is fully appropriated, federal reserved water rights will frequently require a gallon-for-gallon reduction in the amount of water available for water-needy state and private appropriators. This reality has not escaped the attention of Congress and must be weighed in determining what, if any, water Congress reserved for use in the national forests.

United States v. New Mexico, supra, 438 U.S. at 706.

> When it was Congress' intent to maintain minimum instream flows within the confines of a national forest, it expressly so directed, as it did in the case of the Lake Superior National Forest:
>
> > "In order to preserve the shore lines, rapids, waterfalls, beaches and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream . . . shall be authorized" 16 U.S.C. § 577b (1976 ed.).

United States v. New Mexico, supra, 438 U.S. at 711.

The Colorado Supreme Court viewed the New Mexico case as follows:

> In United States v. New Mexico, supra, the Supreme Court upheld, for the first time, a denial of reserved water rights to the federal government. In New Mexico, the United States Forest Service asserted reserved rights to waters within the Gila National Forest, including minimum instream flows, "for the requirements and purposes of the forests" as of the date that various tracts of public lands were withdrawn from the public domain for inclusion in the national forest. Id. The Forest Service's claims to reserved rights for, inter alia, maintenance of instream flows, recreation, and stock watering were initially granted by the special master appointed to consider the claims. They were ultimately denied by the New Mexico Supreme Court on appeal on the basis that such uses were not among the purposes included in the Organic Administration Act of 1897 (Organic Act of 1897), pursuant to which the National Forest was created.
>
> * * *
>
> The United States Supreme Court agreed with both the result and analysis of the

> New Mexico Supreme Court. The majority noted that the application of the reserved water rights doctrine requires a careful examination of "both the asserted water right and the specific purposes for which the land was reserved" and must rest upon a conclusion that "without the water the purposes of the reservation would be entirely defeated." United States v. New Mexico, 438 U.S. at 700, 98 S.Ct. at 3014 (footnote omitted). Such an examination and tailoring of the reserved right is necessary "because the reservation is implied, rather than explicit, and because of congressional intent in the field of federal-state jurisdiction with respect to allocation of water." Id. at 701-02, 98 S.Ct. at 3015.

United States v. City and County of Denver, 656 P.2d 1, 18-19 (1983).

The notion of antedating new federal reserved water rights claims to the date of the original forest reservation is not new. Recently, the United States has sought in Colorado to relate its water claims for "channel maintenance" back to the creation of each of the National Forests. This claim, if adopted by the courts, would require that flood flows must pass through the stream channel in order to maintain its width and depth. Such water would then be lost to storage and diversion in the watersheds of the national forest, where many projects are currently located or are planned. If this theory is recognized by the Courts, the United States will have overcome the New Mexico suit and will have knocked out or severely impaired many conditional and absolute water rights in Colorado. The problem is that many of the Colorado national forest reservations pre-date water rights for numerous water uses which are critical to Colorado's growing, balanced economy. Expanded federal claims can directly threaten conditional or absolute water rights. See Appendix A for a list of the National Forest Reservations and their dates of creation. These forests include watersheds which have vital storage and diversion locations which are either being utilized presently or will be necessary in the future to support Colorado's expanding economy. Colorado and its water users are currently spending much time and financial resources battling the Government's new antedated claims in court, so that existing and future uses will not be impaired. The Sierra Club now wishes to superimpose additional claims the Government has not made.

If the Sierra Club did not intend to assert an antedation theory for the alleged wilderness water rights, it could have clearly said so in its complaint, or by an amendment to the complaint. But the complaint studiously avoids alleging that the priority date sought is only the date on which the wilderness itself was designated and no amended complaint has been filed in this regard. Rather, the complaint uses the term "reservation" to refer to lands where wilderness characteristics are found and recognized by Congress. This leads to the conclusion that the Sierra Club may be referring to the date of creation of the original reservation, not the date on which the area was designated as a wilderness.

Even if the priority date were fixed at the date of wilderness designation, this would still prevent needed changes of existing rights or uses which may become necessary for Colorado's future. Sometimes it becomes necessary to change a dam axis or point of diversion between initial surveys, or engineering, and final construction. A federal reserved water right could prevent necessary development of a conditional right which was obtained prior to wilderness designation.

In his recent initial ruling in Sierra Club v. Block, copy attached, Judge Kane observed that the United States "has reserved water rights any time it withdraws land from the public domain" and that wilderness lands are "withdrawn from public use." It appears to be Judge Kane's initial view that federal reserved water rights are created through wilderness designation.

Nevertheless, whether wilderness designation actually creates a federal reservation, with an implied water right, is subject to dispute.

Whether any particular federal reservation creates a reserved water right, as well as the nature and degree of that right, is a question of intent which must have existed at the time of the reservation's creation:

> Thus, the existence of a federal reservation does not in and of itself denote a reservation of water. Rather, there must be a determination of the precise federal purpose to be served, a

> determination that the purpose would be frustrated without water, and a determination of the minimum quantity of water required to fulfill the purpose.

United States v. City and County of Denver, supra, 656 P.2d at 18.

Because of the severe management restrictions which are placed upon a federal land area through wilderness designation, it may be difficult, as a practical matter, to pursue water development. It is logical to conclude that Congress did not intend to reserve water rights through wilderness designation, believing that management restrictions were enough to protect wilderness area at the desired level of protection and use. This view of the Act is supported by the inclusion of the Presidential waiver provision which specifically allows water projects to proceed. 16 U.S.C. § 1133(4). Congress recognized that the land management restrictions could be removed by the President in the public interest. Obviously, such a provision is meaningless if the water project cannot be built or operated because the government has appropriated the water and, thus, has obtained a property right which the President may not be able to compromise.

In the 1964 Wilderness Act, Congress provided that:

> Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

16 U.S.C. 1133(7). This is anything but a clear expression of intent to reserve water as part of wilderness designation. To the contrary, since the Congress said it was not making an express or implied claim to exemption from State water laws, it can be presumed that the requisite Congressional intent necessary to support an implied reservation is lacking with respect to wilderness areas and, therefore, that State water law applies. The general rule is one of deference to State water law. *California v. United States*, 438 U.S. 645, 653 (1978).

State water law is not only procedural, it is substantive. In the absence of clear Congressional intent to create an express or implied federal water right, the United States must appropriate water like any other water user in Colorado:

> We are convinced that the "implied-reservation-of-water doctrine" must be narrowly construed. Additional federal water rights in Colorado may reduce water available to satisfy long-held adjudicated water rights, especially in streams which have been fully appropriated. When Congress passed MUSYA, it was aware of the reserved rights doctrine. *See, e.g.*, *Federal Power Commission v. Oregon*, 349 U.S. 435, 75 S.Ct. 832, 99 L.Ed. 1215 (1955); *Winters v. United States*, 207 U.S. 564, 28 S.Ct. 207, 52 L.Ed. 340 (1908); *United States v. Rio Grande Dam & Irrigation Co.*, 174 U.S. 690, 19 S.Ct. 770, 43 L.Ed. 1136 (1899). Congress, however, chose not to reserve additional water explicitly. In the face of its silence, we must assume that Congress intended the federal government to proceed like any other appropriator and to apply for or

> purchase water rights when there was a need for water. The federal government has the power to act in condemnation proceedings if its wishes to obtain water outside the state appropriation system for additional national forest purposes.

United States V. City and County of Denver, supra, 656 P.2d at 26 (emphasis added).

What the Court said of the Multiple Use and Sustained Yield Act is true of the Wilderness Act and subsequent wilderness designations: Congress knew of the federal reserved rights doctrine and cases, and could have clearly expressed its intent to create federal reserved water rights at the time each wilderness area was designated. It did not do so when designating wilderness areas in Colorado. Hence no such federal reserved water rights exist. Congress included the following language in the 1964 Wilderness Act:

> Nothing in this chapter shall be deemed to be in interference for which national forests are established as set forth in the Act of June 4, 1897.

16 U.S.C. § 1133(a)(1). In the New Mexico case, the United States emphasized that water development for beneficial use was one of the fundamental purposes of the 1897 National Forest Organic Act, 16 U.S.C. § 481:

> Not only is the Government's claim that Congress intended to reserve water for recreation and wildlife preservation inconsistent with Congress' failure to recognize these goals as purposes of the national forests, it would defeat the very purpose for which Congress did create the system.

> > "[F]orests exert a most important regulating influence upon the flow of rivers, reducing floods and increasing the water supply in the low stages. The importance of their conservation on the mountainous watersheds which collect the scanty supply for the arid regions of North America can hardly be overstated. With the natural regimen of the streams replaced by destructive floods in the spring, and by dry beds in the months when the irrigating flow is most needed, the irrigation of wide areas now proposed will be impossible, and regions now supporting prosperous communities will become depopulated." Doc No. 105, 55th Cong, 1st Sess, 10 (1897).
>
> The water that would be "insured" by preservation of the forest was to "be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder." Organic Administration Act of 1897, 30 Stat 36, 16 USC . . . As this provision and its legislative history evidence, Congress authorized the national forest system principally as a means of enhancing the quantity of water that would be available to the settlers of the arid West. The Government, however, would have us now believe that Congress intended to partially defeat this goal by reserving significant amounts of water for purposes quite inconsistent with this goal.

United States v. New Mexico, supra, 438 U.S. at 711-713.

Although Judge Kane expressed an initial view that wilderness designation may include federal reserved water rights, he refused to "determine the extent or nature" of federal reserved rights in wilderness areas, since the United States has been joined in State water court adjudications under the McCarran Amendment, 43 U.S.C. § 666. But he kept the case in federal court for the purpose of determining whether the Federal Government should be ordered to make water rights claims in the ongoing water adjudications which are currently taking place in Colorado water courts. Judge Kane's final disposition of the case could affect the latitude which the State Courts may have in any subsequent water adjudication, since he may leave open the question only of quantity and priority, not whether a federal reserved water right exists as a matter of law.

Since no Federal Administration - from Johnson to Nixon to Ford to Carter to Reagan--has claimed in Court that water rights have been created for the purpose of furthering the purposes of the Wilderness Act, it is clear that the Sierra Club suit seriously disrupts the status quo. It is obvious that the Sierra Club no longer believes in neutrality on the water issue and, instead, is seeking a significant and disturbing change in the State-Federal water relationship, through judicial pronouncement.

Senator Armstrong's bill, S. 2916, would make it clear that the Federal Government is not compelled to make water claims as a necessary prerequisite to managing wilderness areas, as the Sierra Club claims. Furthermore, S. 2916 would put an end to the threat that large amounts of Colorado water will vest in the United States with priority dates which could knock out existing water rights and/or preclude needed water uses in the future.

The Sierra Club appears to have but one aim, to prevent the development or use of Colorado water resources in or through wilderness areas, thereby rendering meaningless the Presidential waiver provisions of the Wilderness Act and the neutral language of the 1964 Wilderness Act and the 1980 Colorado Wilderness Act, which so studiously avoided the creation of federal reserved water rights. At a time when the state and its water users are heavily involved in battling federal reserved water rights claims which have already been made, and their antedation, the Colorado Congressional delegation and State officials should work for legislation which will stop the looming new round of expensive and potentially destructive federal reserved water rights claims.

For this reason, we recommend that no Colorado wilderness areas be designated henceforth without language similar to that contained in Senator Armstrong's bill, in order to make explicit the assumption that has always been implicit in Colorado Wilderness designations - that such designations were never intended, expressly or impliedly, to create a whole new class of federal reserved water rights. Without such language, it appears that Colorado may not be able to utilize present and prospective water rights upon which its future may depend.

cc: Board of Directors, Colorado Water Congress

APPENDIX A

THE CREATION OF THE COLORADO NATIONAL FORESTS

National Forest	Creation Date
Arapaho	7/1/1908
Grand Mesa	3/11/1924
Gunnison	5/12/1905
Pike	2/11/1892
Rio Grande	7/1/1908
Roosevelt	3/28/1932
Routt	7/1/1908
San Isabel	4/11/1902
San Juan	6/3/1905
Uncompahgre	6/14/1905
White River	8/16/1891

Most of the national forests in Colorado began as forest reserves of public land created by presidential proclamation. Then the forest reserves were renamed national forests in 1907 legislation. The dates above give the date of creation of the reserve/forest in essentially the same form as it is now.

Some of the national forests have a more extensive history. For instance, the Medicine Bow Forest Reserve became the Colorado National Forest in 1910 and then was renamed the Roosevelt National Forest in 1932. Also, some of the National Forests were composed of parts of several forest reserves, such as the Rio Grande National Forest, which was created by putting together parts of the San Juan and Cochetopa Forest Reserves. Therefore, the creation dates of various portions of forest may predate the present form of the forest. The above information was obtained from historial research personnel in the Public Information Office of the U.S. Forest Service, Washington, D.C.

cal error in such maps or legal descriptions may be corrected. The Secretaries shall place such maps and legal descriptions on file, and make them available for public inspection, in the offices of the Chief of the United States Forest Service, Department of Agriculture, the Director of the Bureau of Land Management, United States Department of the Interior, and the Director of the National Park Service, United States Department of the Interior.

(b) Subject to valid existing rights, the wilderness areas designated by this Act shall be administered by the Secretaries of Agriculture and Interior in accordance with the provisions of the Wilderness Act which designated them as wilderness areas, except that with respect to the areas designated by this Act, any reference to other wilderness acts shall be deemed to be a reference to the effective date of this Act.

SEC. 7. No provisions of this Act nor any other Act of Congress designating areas in Colorado as part of the National Wilderness Preservation System, nor any guidelines, rules, or regulations issued thereunder, shall constitute the establishment of a right to the use or flow of water in the Federal Government because of the designation: *Provided, however,* That this provision does not constitute an express or implied claim or denial on the part of the Federal Government to the use or flow of water in any other congressionally designated wilderness area in the United States.

84 JAN 3 A11 : 33

[illegible]

BY__________ DEP. CLK.

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

SIERRA CLUB, a non-profit California corporation, Plaintiff, vs. JOHN BLOCK, in his official capacity as Secretary of Agriculture; MAX PETERSON, in his official capacity as Chief of the Forest Service; WILLIAM CLARK, in his official capacity as Secretary of the Interior; RUSSELL DICKENSON, in his official capacity as Director of the National Park Service, Federal Defendants, and JERIS DANIELSON, in his official capacity as State Engineer of the State of Colorado, State Defendant.	Civil Action No. 84-K-2 COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. This is an action requesting relief against officers of the United States Departments of the Interior and Agriculture and the State Engineer of the State of Colorado. Plaintiff contends that federal defendants have failed to claim vital federal reserved water rights in all 27 designated wilderness areas in the State of Colorado. The United States' failure to assert federal reserved water rights in ongoing water adjudications will result in the loss of these rights. Plaintiff seeks judgment from this Court declaring that the U.S. possesses the reserved water rights necessary to fulfill the purposes of all present and future wilderness areas in Colorado.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction of this action by virtue of 28 U.S.C. §1331 and the Administrative Procedure Act, 5 U.S.C. §701 *et seq.*, and may issue a declaratory judgment and further relief pursuant to 28 U.S.C. §2201 and §2202. Plaintiff has a right to bring this action pursuant to, *inter alia*, the Administrative Procedure Act.

3. Venue lies in this judicial district as all of the real property is situated here. 28 U.S.C. §1391(e).

III. PARTIES

4. Plaintiff Sierra Club is a non-profit corporation organized and existing under the laws of the State of California

with its principal place of business in San Francisco, California. The Sierra Club is a national conservation organization with approximately 350,000 members, over 7,000 of whom reside in Colorado. The stated corporate purposes of the Sierra Club include:

> to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

5. The members of the Sierra Club regularly use and enjoy the wilderness areas, national parks, and national monuments in Colorado for aesthetic, conservational, and recreational purposes such as hiking, camping, wildlife viewing, photography, scientific study, and spiritual regeneration. The aesthetic, conservational and recreational interests of the Sierra Club and its members will be harmed or defeated by the failure of the United States to fully apply for and quantify reserved water rights in these areas.

6. Through its legislative and administrative lobbying and litigation efforts, the Sierra Club and its members have worked to protect or designate numerous parks, national monuments, and wilderness areas. On behalf of its members, the Sierra Club has participated in numerous actions involving issues of water rights and federal reserved rights. The Club has requested and authorized this litigation to prevent harm to its conservational and other interests.

7. Defendant John Block is Secretary of Agriculture, with

offices at Independence Avenue between 12th and 14th Streets Southwest, Washington, D.C. In that capacity, he is responsible for management of the United States Forest Service. Defendant Block is charged with protecting the land and natural resources, including water resources and federal reserved water rights, of lands under the control of the United States Forest Service, including units of the National Wilderness Preservation System.

8. Defendant Max Peterson is the Chief of the United States Forest Service with offices at Independence Avenue and 12th Street, Southwest, Washington, D.C. In that capacity, he is responsible for the conduct and operations of the United States Forest Service and is charged with protecting lands and resources, including water resources and federal reserved water rights, in units of the National Wilderness Preservation System under the control of the National Forest Service.

9. Defendant William Clark is Secretary of the Department of the Interior, with offices at 18th and C Streets Northwest, Washington, D.C. In that capacity, he is responsible for the management of the United States Fish and Wildlife Service. Defendant Clark is charged with protecting the lands and resources, including water resources and federal reserved water rights, of units of the National Wilderness Preservation System under the control of the Department of the Interior.

10. Defendant Russell Dickenson is the Director of the National Park Service, with offices at 18th and C Streets Northwest, Washington, D.C. In that capacity, defendant Dickenson

is responsible for management of the National Park Service and is charged with protecting lands and preserving the scenery and wildlife in Mesa Verde Wilderness, Great Sand Dunes Wilderness, and Black Canyon of the Gunnison Wilderness, and with protecting the resources in those wilderness areas, including water resources and federal reserved water rights.

11. Defendant Jeris Danielson is the State Engineer of the State of Colorado, with offices at 1313 Sherman Street, Denver, Colorado. In that capacity, defendant Danielson is responsible for controlling the distribution of the public waters of the state and for discharging obligations and administer such water rights as are imposed by judicial order.

IV. BACKGROUND

12. By enacting the McCarran Amendment, 43 U.S.C. §666, Congress waived the sovereign immunity of the United States to involuntary joinder as a party in state court general water rights adjudications.

13. In a series of actions pursuant to the McCarran Amendment, the United States was joined in general water rights adjudications in each of the seven Colorado Water Divisions.

14. The United States has applied for reserved water rights for most federal reservations in Colorado, but has failed to apply for and quantify federal reserved water rights in any of the 27 designated wilderness areas in Colorado.

15. On information and belief, federal defendants have

failed to amend the U.S.' applications for federal reserved water rights to claim reserved rights in any designated wilderness area.

16. Upon information and belief, federal defendants have failed to apply for federal reserved water rights to fulfill all of the purposes of Mesa Verde and Rocky Mountain National Parks.

17. Federal defendants' failure to apply for and quantify federal reserved water rights in the aforementioned areas will result in the loss of those rights.

18. The threat of loss of the United States' reserved water rights is real and immediate.

19. The Sierra Club and its members will suffer irreparable damage to their rights to use and enjoy the subject areas due to federal defendants' failure to act.

20. In July, 1983, the Sierra Club moved to intervene on the side of the United States in the ongoing consolidated general water adjudication in Colorado Water Divisions 4, 5, and 6, in order to attempt to assert the reserved right claims which the U.S. has failed to make in that proceeding. The Water Court in Division 6 denied the Sierra Club's motion on September 15, 1983. The Water Court in Division 5, sitting in consolidated proceedings for Divisions 4, 5, and 6, denied the Sierra Club's motion on December 16, 1983. Both courts ruled that while the Sierra Club could participate as amicus curiae, it would not be permitted to raise any issue not raised by parties of record.

V. FIRST CLAIM FOR RELIEF: VIOLATION OF THE WILDERNESS ACT, 16 U.S.C. §1131

21. Defendants Block and Peterson are charged with the administration of the following wilderness areas pursuant to 16 U.S.C. §1131:

(a) Big Blue Wilderness;
(b) Collegiate Peaks Wilderness;
(c) Eagles Nest Wilderness;
(d) Flat Tops Wilderness;
(e) Holy Cross Wilderness;
(f) Hunter Frying Pan Wilderness;
(g) Indian Peaks Wilderness;
(h) Lagarita Wilderness;
(i) Lizard Head Wilderness;
(j) Maroon Bells Wilderness;
(k) Mount Sneffels Wilderness;
(l) Mount Zirkel Wilderness;
(m) Raggeds Wilderness;
(n) West Elk Wilderness;
(o) Never Summer Wilderness;
(p) Rawah Wilderness;
(q) Cache La Poudre Wilderness;
(r) Comanche Peak Wilderness;
(s) Lost Creek Wilderness;
(t) Mount Evans Wilderness;
(u) Mount Massive Wilderness;
(v) Neota Wilderness;
(w) South San Juan Wilderness;
(x) Weminuche Wilderness.

22. Defendants Clark and Dickenson are charged with the administration of the following wilderness areas pursuant to 16 U.S.C. §1131:

(a) Mesa Verde Wilderness;
(b) Great Sand Dunes Wilderness;
(c) Black Canyon of the Gunnison Wilderness.

23. Under the Wilderness Act, 16 U.S.C. §1131, *et seq.*, it is the statutory duty of defendants Block, Peterson, Clark and Dickenson to administer these lands in such a manner "as will leave them unimpaired for future use and enjoyment as wilderness,

and so as to provide for the protection of these areas, [and] the preservation of their wilderness character,...".

24. Preservation of these areas in their natural condition, as provided in the Act, can only be assured through the protection of their water resources.

25. By refusing and failing to claim, defend, and quantify reserved rights in wilderness areas during the present general water rights adjudications in Colorado, defendants Block, Peterson, Clark, and Dickenson have unlawfully failed to carry out their statutory duties under the Wilderness Act, 16 U.S.C. §1131 *et seq.*

VI. SECOND CLAIM FOR RELIEF: VIOLATION OF THE NATIONAL PARK SERVICE ACT, 16 U.S.C. §1 et seq.

26. The National Park Service Act, 16 U.S.C. §1 *et seq.*, created the National Park Service as a subdivision of the Department of the Interior, and provides that the Service, its Director, and subordinate employees shall, *inter alia*, promote and regulate the use of national parks, monuments, and reservations

> by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. *Id.*

27. The failure of defendants Clark and Dickenson to claim, defend, and quantify reserved rights in Mesa Verde, Great Sand

Dunes, and Black Canyon of the Gunnison Wilderness areas is detrimental to the fundamental purposes of said areas, will result in impairment of their scenery and recreational values, and constitutes a violation of the National Park Service Act, 16 U.S.C. §1 *et seq*.

VII. THIRD CLAIM FOR RELIEF: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. §701 et seq.

28. Federal defendants' failure to claim, defend, and quantify federal reserved water rights in the ongoing general adjudications in Colorado Water Courts is arbitrary and capricious and constitutes unlawfully withheld agency action in violation of the Administrative Procedure Act, 5 U.S.C. §701 *et seq.*

VIII. REQUEST FOR RELIEF

WHEREFORE, plaintiff prays:

(a) For an order advancing this case on the Court's calendar and setting a speedy hearing, pursuant to F.R.C.P. 57;

(b) For a judgment declaring that the United States possesses federal reserved water rights sufficient to fulfill the purposes of Colorado's 27 wilderness areas, with a priority date as of the date of each reservation;

(c) For a judgment declaring that the failure of defendants Block and Peterson to claim, defend, and quantify reserved rights in the 24 wilderness areas in Colorado which are under the control of the National Forest Service violates the Wilderness Act and the Administrative Procedure Act;

Respectfully submitted:

Lori Potter

DATED: January 3, 1983

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
JUL 29 1984
JAMES R. MANSPEAKER
CLERK
BY ________ DEP. CLERK

CIVIL ACTION NO. 84-K-2

SIERRA CLUB,

Plaintiff,

vs.

JOHN BLOCK, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

KANE, J.

This is an action seeking declaratory relief because of the alleged failure of the Secretary of Agriculture and Chief of the Forest Service to claim federal reserved water rights for some 24 wilderness areas in Colorado. Plaintiff Sierra Club seeks a judgment declaring that the United States has federal reserved water rights in these wilderness areas and that the federal defendants have acted arbitrarily in not perfecting those rights in pending state proceedings.[1] Plaintiff also asks me to define the nature of these rights, to set a hearing on this matter and to award attorney fees under 28 U.S.C. §2412. The matter is before me on separate motions to dismiss for lack of jurisdiction; one by the federal defendant, John Block, and the other by the state defendant, Jeris Danielson.

I. RESERVED WATER RIGHTS

Plaintiff asks me to declare that the United States has federal reserved water rights in wilderness areas. The United States has reserved water rights any time it withdraws land from the public domain:

> This Court has long held that when the Federal Government withdraws its lands from the public domain and reserves it for a federal purpose, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation. In doing so the United States acquires a reserved water right in the unappropriated water which vests on the date of the reservation and is superior

> to the rights of future appropriators.

Cappaert v. United States, 426 U.S. 128, 138 (1976). Unlike lands under the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§701 et seq. (1976 as amended), wilderness areas have been withdrawn from the public domain. See Barker v. Harvey, 181 U.S. 481 (1901) (the public domain is subject to sale or disposal; wilderness areas are not so subject); cf. Sierra Club v. Watt, 659 F.2d 203 (D.C. Cir. 1981) (FLPMA lands are subject to disposal). No one in this case contests the fact that wilderness areas have been withdrawn from the public domain; therefore, the United States has reserved water rights which are unperfected at this time.

Even though the United States has unperfected reserved water rights in wilderness areas, I cannot determine the extent or nature of those rights. The United States has been joined in a pending state proceeding where such issue can be decided. I may only review the agency's decision not to perfect the reserved water rights. Thus, the request for a judgment defining the nature of such rights is denied.

II. DEFENDANT BLOCK'S MOTION TO DISMISS

A. Jurisdiction

I find that jurisdiction over the parties is proper under 28 U.S.C. §1331(a)[2] and the Administrative Procedures Act,[3] 5 U.S.C. §701 et seq. See also Califano v. Sanders, 430 U.S. 99, 97 (1977); Carpet, Linoleum and Resilient Tiles v. Brown, 656 F.2d 564, n.5 (10th Cir. 1981); City and County of Denver v. Bergland, 517 F.Supp. 155, 177 (D. Colo. 1981), modified on other grounds, 695 F.2d 465 (10th Cir. 1982). I also find that the Sierra Club has standing to sue as it represents the rights of its members who have alleged an injury in fact. See Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59, 73-74 (1978); Sierra Club v. Morton, 405 U.S. 727, 734-35 (1972). The crucial inquiry, however, is whether I can review the Secretary of Agriculture's failure to claim reserved water rights in various wilderness areas.

B. Review of Agency Action

In order to review agency action, I must determine whether the Forest Service has the authority to fulfill plaintiff's request, the law that the Forest Service must follow and the standard of review. Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402, 91 S.Ct. 184, 28 L.Ed.2d 136 (1971); Denver v. Bergland, supra, 517 F.Supp. at 180. As to the first requirement, I find that 16 U.S.C. §526 gives the Forest Service authority to assert reserved water rights on behalf of the United States in state court:

> There are authorized to be appropriated

> for expenditure by the Forest Service such sums as may be necessary for the establishment of water rights, including ...protection of water rights necessary or beneficial in connection with the administration and public use of the national forest.

See also United States v. District Court, 401 U.S. 520, 525 (1971). It is inconsequential whether the Justice Department actually litigates the issue in state court because of the presumption that an agency will do what it is lawfully required to do. Dunlop v. Bachowski, 421 U.S. 560 (1975). Dunlop also asserts that the proper remedy upon a finding that an executive agency wrongfully withheld suit is to presume that it will proceed appropriately after the court's ruling.

Secondly, I must determine what law, if any, the agency must follow. The law which the Forest Service must follow in asserting reserved water rights is set out in 11 U.S.C. §1131(1) which directs that wilderness areas

> shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character....

This standard, to preserve the wilderness character for future use, is infused by the doctrine of reserved water rights to preserve the purpose of the reservation. This does not mean, however, that reserving the rights is the only way to preserve the purpose of the reservation. In this review, it is appropriate to examine whether the Forest Service's alternatives, if any, do indeed preserve the wilderness character for future use, which means use in perpetuity.

Thirdly, I must determine the standard of review. Since there was no adjudicatory hearing regarding the failure of the Forest Service to assert reserved water rights, the substantial evidence standard of review does not apply. See Overton Park, 401 U.S. at 414. I am limited to determining whether the agency's choice was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. §706 (2)(A). In making this determination I must consider whether the agency's decision was based on a consideration of relevant factors and whether there has been a clear error of judgment. 401 U.S. at 416; Denver v. Bergland, 517 F.Supp. at 180. I do not compete with the agency; I review its decision and will affirm the decision if a rational basis is offered. Bowman Transportation, Inc. v. Arkansas-Best Freight Systems, Inc., 419 U.S. 281, 290 (1974). However, the review is not superficial: "the inquiry into the facts is to be searching and careful...." 401 U.S. at 416; 517 F.Supp. at 181. If the agency has completely ignored the purposes of the statute, then it has absued its discretion. Carpet, Linoleum, 656 F.2d at 568. If the agency proposes alternatives that in fact preserve the wilderness character of the land in perpetuity, I may not order a different path to be taken even though to some it may be a better one. I may only direct an agency to do what it is required to do — no more.

In summary, the requirements for jurisdiction are satisfied because there exists a cause of action which is ripe for resolution. Therefore, I deny Block's motion to dismiss for lack of jurisdiction.[4] I hereby order that the defendants present, within twenty (20) days, the administrative record for review in accordance with 5 U.S.C. §706.

III. DEFENDANT DANIELSON'S MOTION TO DISMISS

Jeris Danielson, the Colorado State Engineer, has also moved for dismissal. He is in the case because plaintiff wants me to order him to distribute the United States' water rights, according to his statutory duty, if the United States does indeed perfect its water rights. This issue is not ripe for review, however, as it is not at all apparent that the United States will have to perfect its rights in the state proceedings. Even if the issue were ripe, as a federal judge I have no jurisdiction to tell Danielson how to fulfill his state statutory duties. Pennhurst State School and Hospital v. Halderman, ____ U.S. ____, 104 S.Ct. 900 (1984). He is therefore dismissed from this action.

IV. REMAINING MOTIONS

I must deny the remaining motions for a speedy hearing under Rule 57 F.R.Civ.P. and attorney fees under 28 U.S.C. §2412. Plaintiff has made no showing that time is of the essence in the state court proceedings and I can think of no other reason for granting the motion. Neither has plaintiff shown that counsel for defendants have acted other than as "reasonable litigation attorneys," see Blanchette v. Heckler, ____ F.Supp. ____ (D. Colo. 1984); Trujillo v. Heckler, 582 F.Supp. 701, 704 (D. Colo. 1984), therefore the motion for attorneys' fees is denied.

DATED at Denver, Colorado this 29th day of July, 1984.

ENTERED
ON THE DOCKET
JUL 31 1984
JAMES R. MANSPEAKER
CLERK
BY ____

UNITED STATES DISTRICT JUDGE

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[1] The United States has been joined, pursuant to the McCarran Act, 43 U.S.C. §666 in several state water adjudications. These proceedings concern water rights which may affect the 24 wilderness areas. By the McCarran Act, the United States explicitly gives consent to joinder in a state court proceeding to adjudic-

ate water rights. It waives sovereign immunity in these proceedings and also waives the defense that state law does not apply against it.

[2] 28 U.S.C. §1331(a) provides that "[t]he district courts shall have original jurisdiction of all civil actions wherein the matter ... arises under the Constitution, laws, or treaties of the United States...." No jurisdictional limit exists in suits against the United States, or its agencies, officers or employees acting in official capacity.

[3] 5 U.S.C. §702 provides that "[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action ... is entitled to judicial review...." Sovereign immunity of the United States is waived in actions under the APA.

[4] In his brief, Block argues that the United States has other ways to protect the purpose of the wilderness areas besides asserting the reserved water rights. This may be so, but such requires a factual determination. Under a Rule 12(b) motion I may treat the motion as one for summary judgment but only if all the parties have been "given reasonable opportunity to present all material made pertinent to such a motion by Rule 56." Summary judgment, however, is not possible in a review of agency action. The determination must be made upon a review of the administrative record. Riverside Irr. Dist. et al. v. Andrews, 568 F.Supp. 583 (D. Colo. 1983).

UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO

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1929 Stout Street
Denver, Colorado 80294
(303) 837-3433

Date: July 31, 1984 Case No. 84-K-2

The undersigned hereby certifies that on the above date a copy of Memorandum Opinion and Order signed by Judge John L. Kane, Jr. on July 29, 1984 was mailed to the following:

Lori Potter, Esq.
H. Anthony Ruckel, Esq.
Sierra Club Legal Defense Fund
820 16th St., #514
Denver,CO 80202

John Hill
Ass't U.S.Attorney
1961 Stout St., Drawer 3607
Denver, CO 80294

Stuart Shelton, Esq.
Office of General Counsel
U.S. Dept. of Agriculture
Washington, DC 20250

Richard Nolan
Ass't U.S. Attorney
1200 Federal Office Bldg
Denver, CO 80294

Christopher Hermann
Ass't Attorney General
1525 Sherman St., 3d Floor
Denver, CO 80203

James R. Manspeaker, Clerk
By:
Alan R. Case, Deputy Clerk

Senator **Wallop**. Thank you very much. We will look at that with great interest.

Larry Simpson.

STATEMENT OF LARRY D. SIMPSON, MANAGER, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, LOVELAND, CO

Mr. **Simpson**. Thank you, Senator Wallop. I appreciate the opportunity to testify on behalf of Senator Armstrong's bill, particularly including section 7.

I am Larry Simpson, manager of the Northern Colorado Water Conservancy District. Our district provides water for 400,000 people, 15 municipalities, and 750,000 acres of highly productive irrigated farmland in northeastern Colorado which produces in excess of $200 million worth of agricultural products each year.

Our district's boundaries stretch from the foothills of the Rocky Mountains north of Denver along Colorado's Front Range and down the South Platte River to the Nebraska border, encompassing seven counties in northeastern Colorado.

With all due respect to Mr. Getches' statement that Colorado has no concerns concerning water rights, our district does have concerns, and in fact had notified him both verbally and orally of these concerns.

We are somewhat dismayed that they were not considered. We deliver water for agricultural, municipal, and industrial purposes through a complex system of canals, diversions, storage reservoirs, pipelines and pumping plants. Our district was established in 1937 for the purpose of sponsoring the Colorado Big Thompson reclamation project in partnership with the United States of America. Since that time, we have established a proven track record of working closely with the environmental interests, the Colorado Division of Wildlife, Colorado Natural Resources, to maintain aquatic habitats, including instream flows in conjunction with the operation of water resource projects. These include instream flows developed in the 1950's, long before the advent of the so-called envrionmental movement.

Subsequently in 1981 in association with the new water diversion project to serve municipalities within our district, the Windy Gap project, we pioneered a computer and satellite monitored system for the main purpose of maintaining instream flows while we diverted water for the protection of prize trout fisheries, while at the same time conserving and managing the much needed water resources for our region.

We have been a proponent of Colorado's instream flow law which provides the Colorado Water Conservation Board with means to attain instream flow rights administered within the Colorado water rights system for the preservation of our aquatic ecosystem.

We are now faced with demands by the Sierra Club and other national environmental interest groups for large amounts of Colorado water for the alleged purpose of wilderness areas. These groups argue that the U.S. Congress through the 1964 Wilderness Act and various other wilderness designations since that time, has created Federal reserved water rights, and the U.S. Government is required to assert these rights through the court.

The question before us today is whether Congress, in making wilderness designations in Colorado, abrogated the longstanding water rights law system of Colorado and whether Congress intended to overturn the economic viability of the West in favor of locking up Western water resources for the purpose of returning the rivers of the West to the state in which they were first utilized by Lewis and Clark.

This elitist movement seems more concerned about preserving their vested interest in developing environmental controversies for membership purposes and in developing war chests for litigation than they are truly concerned about preserving the environment in a reasonable manner.

Earlier this year, the Sierra Club was instrumental in destroying a well-thought-out compromise between water users and local Colorado environmentalists which would have produced a wild and scenic river designation for over 85 percent of the Cache La Poudre River between Rocky Mountain Park and the city of Fort Collins in northeastern Colorado.

Their objection was based on the fact that a very small finger of the Cache La Poudre Wilderness designated in 1980 abuts the Poudre River along Highway 14 at a potential water project site. The Sierra Club also demanded instream flows on the Poudre River equivalent to the natural bank full flows which occur during a wet year. This would have totally eliminated any possibility of conservation of the waters in the Poudre River for the benefit of the economy of the region.

It also expressed the true intent in assaulting Colorado's water rights system.

In the arid West, conservation truly means conserving and storing waters high up in the watershed during the wet years so they can be frugally managed and distributed during the frequently occurring drought cycles which are a harsh reality in the Western United States.

When the wilderness designations were made in Colorado, it was not intended by the water users who supported these wilderness designations to interfere with or in any way change Colorado's water law system. We can hardly believe as the Sierra Club asserts that the Congress intended some form of hidden agenda which appropriates the waters of the State of Colorado through its action.

Senator Armstrong's bill before you today contains language which must remain in tact to clearly state the congressional intent of protecting Colorado's rights to use its water as it preserves the environment of the State of Colorado.

Thank you.

[The prepared statement of Mr. Simpson follows:]

S. 2916
TESTIMONY OF LARRY D. SIMPSON
MANAGER, NORTHERN COLORADO WATER CONSERVANCY DISTRICT
BEFORE THE SENATE SUBCOMMITTEE
ON PUBLIC LANDS AND RESERVED WATER
TUESDAY, SEPTEMBER 18, 1984

I am Larry Simpson, Manager of the Northen Colorado Water Conservancy District. Our District provides water for 400,000 people and 750,000 acres of highly productive irrigated farm land in northeastern Colorado which produce in excess of Two Hundred Million Dollars of agricultural products each year. Our District's boundaries stretch from the foothills of the Rocky Mountains north of Denver, along Colorado's Front Range, down the South Platte River, to the Nebraska border, encompassing seven counties in northeastern Colorado.

We deliver water for agricultural, municipal, and industrial uses, through a complex system of canals, diversions, storage reservoirs, pipelines, and pumping plants. Our District was established in 1937 for the purpose of sponsoring the Colorado Big Thompson Reclamation Project in partnership with the United States of America.

Since that time we have established a proven track record of working closely with environmental interests, the Colorado Division of Wildlife, and the Colorado Department of Natural Resources to maintain aquatic habitats, including instream flows, in conjunction with the development and operation of our water resource projects. These include instream flows developed in the 1950's, long before the advent of the so-called environmental movement.

Subsequently, in 1981, in association with a new water diversion project to serve municipalities within our District, the Windy Gap Project, we have pioneered a computer and satellite monitored system, for the purpose of maintaining instream flows for the protection of prize trout fisheries, while at the same time conserving and managing much needed water resources for our region.

We have been a proponent of Colorado's instream flow law, which provides that the Colorado Water Conservation Board can obtain instream flow rights, administered within Colorado's water rights system, for the preservation of the aquatic ecosystem.

We are now faced with demands by the Sierra Club and other national environmental interest groups, for large amounts of Colorado water for the alleged purpose of wilderness areas. These groups argue that the United States Congress, through the 1964 Wilderness Act and the various wilderness designations in Colorado since that time, has created federal reserved water rights, and that the United States Government is required to assert these rights in Court.

The question before us today is whether Congress, in making wilderness designations in Colorado, abrogated the long-standing water rights law system of Colorado, and whether Congress intended to overturn the economic viability of the west, in favor of locking up western water resources for the purposes of returning the rivers of the west to the state in which they were first viewed by Lewis and Clark. This elitist movement seems more concerned about preserving their vested interest in developing environmental controversy for membership purposes and in developing war chests for litigation, than they are truly concerned about preserving the environment in a reasonable manner.

Earlier this year, the Sierra Club was instrumental in destroying a well thought-out compromise between water users and local Colorado environmentalists, which would have produced, earlier this year, a Wild and Scenic River designation for over 85% of the Cache La Poudre River between Rocky Mountain National Park and the City Fort Collins in northeastern Colorado.

Their objection was based upon the fact that a very small finger of the Cache La Poudre Wilderness, designated in 1980, abuts the Poudre River at a potential water project site. The Sierra Club demanded instream flows on the Poudre River equivalent to the natural bank full flows which occur during a wet year. This would have totally eliminated any possibility of conservation of the waters of the Poudre River for the benefit of the economy of the region.

In the arid west, conservation truly means conserving and storing waters high up in the watershed during the wet years, so that they can be frugally managed and distributed during the frequently occurring drought cycles which are a harsh reality of the western United States.

When the various wilderness designations were made in Colorado, it was not intended by water users who supported these wilderness areas to interfere with, or in any way change, Colorado's water law system. For example, I assisted and advised Senator Gary Hart and Representative Jim Johnson in setting the boundaries of the Poudre wilderness areas in 1980. We can hardly believe, in retrospect, that Congress intended, in some form of hidden agenda, to expropriate the waters of the State of Colorado through its action.

The bill before you today contains language which must remain intact, to clearly state the Congressional intention of jointly preserving the environment of Colorado, as well as its water, which is the lifeblood of its economy.

Senator WALLOP. I thank you.

Mr. Brooks.

STATEMENT OF THEODORE L. BROOKS, DIRECTOR, COLORADO RIVER WATER CONSERVATION DISTRICT, MONTROSE, CO

Mr. BROOKS. Thank you, Senator Wallop. May I express my appreciation for the opportunity to appear here today. I have filed a written statement, and therefore will just touch some highlights.

My name is Theodore L. Brooks. I am a director of the Colorado River Water Conservation District. I am also an attorney in western Colorado, practiced law approximately 35 years primarily in the field of water law, representing not only private water clients but several conservancy districts, including the Tri-County Water Conservancy District which Mr. Bratton said was a sponsoring agency of the Dallas Creek project which incidentally is nearing completion.

I am here today primarily on behalf of the river district, and let me give you a little background on the river district.

It is a quasi-municipal corporation founded in 1937 pursuant to Colorado statute. In land area, the district covers 29,000 square miles and approximately 28 percent of the land area of the State of Colorado, and includes well over 30 municipalities.

The rivers and streams originating and flowing in the district contribute approximately 65 percent of the undepleted flow of the Colorado River. The river district is the major water policy body of western Colorado. It has the specific statutory duty to protect for us in Colorado all waters to which the State is equitably entitled under the Colorado River Compact of 1922.

Like Mr. Isaac, the mayor of Colorado Springs, I was somewhat disappointed, though perhaps not surprised, that Mr. Getches did not contact the Colorado River District nor any of the other water conservancy districts with which I am associated in formulating his position and taking his position publicly and here before the subcommittee.

Of course, the river district and the other districts which I represent support Senator Armstrong's wilderness bill and specifically section 7 which we believe is an absolute necessity to the river district water project decreed and planned for many years.

Speaking briefly on the pending suit before Judge Kane, I fail to understand the position or the interpretation that has been taken by the Federal witnesses, administration witnesses who testified, and Mr. Getches. Just allow me to read one sentence from the preliminary ruling of the judge on motions to dismiss.

> No one in this case contests the fact that wilderness areas have been withdrawn from the public domain. Therefore, the United States has reserved water rights which are unprotected at this time.

In view of this language, I again fail to understand Mr. Getches lack of concern particularly in view of the position he holds in the State of Colorado.

As far as some of the river district projects that will be affected, you can take, for instance, the Juniper and Cross Mountain Reservoirs which have been on the Yampa River which have been in the works for many years. The river district has spent millions of dollars on these projects. If the regulated flows under reserved waters in the Dinosaur National Monument would be exerted and enforced, it would eliminate these projects.

Further, we don't know what effect the reserved water rights in wilderness areas would have on the River Compact of 1922 and the Upper Colorado River Basin Compact of 1984. Under the Upper Basin Compact we are required to allow water to flow into Utah, 500,000 acre feet per year. If we are required to maintain particular flows in Dinosaur, this would negate the compact.

I would like to join Mr. Hobbs' and Mr. Bratton's statements that if we worked 20 years on the reserved water problem, if it reared its ugly head again in the wilderness areas, we will be another 20 years before we can settle our local water problems. Thank you.

[The prepared statement of Mr. Brooks follows:]

STATEMENT OF
COLORADO RIVER CONSERVATION DISTRICT
TO THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
ENERGY AND NATURAL RESOURCES COMMITTEE
UNITED STATES SENATE

SEPTEMBER 18, 1984

Mr. Chairman and members of the Subcommittee: May I first express my appreciation for the opportunity to appear here today. My name is Theodore L. Brooks. I am a director of the Colorado River Water Conservation District (River District). I am also an attorney from Montrose in western Colorado. Although I have a general practice of law, I have specialized in water law and represent many water clients and water conservancy districts, including the Tri-County Water Conservancy District, which district is the sponsor of the Dallas Creek project, a Bureau of Reclamation project in western Colorado.

I am here today on behalf of the Colorado River Conservation District. The River District is a quasi-municipal corporation formed in 1937 pursuant to an act of the Colorado Legislature. In land area, the River District covers 29,000 sq. miles and approximately 28% percent of the land area of the State of Colorado. The rivers and streams originating and flowing in the River District contribute approximately 65% of the undepleted flow of the Colorado River at Lee Ferry. The River District is the major water policy body for Western Colorado. It has the specific statutory duty to protect for use in Colorado all waters to which the State is equitably entitled under the Colorado River Compact of 1922.

The River District supports Senator William Armstrong's S. 2916, a bill to designate certain additional National Forest lands and National Park lands in the State of Colorado as component of the National Wilderness

Preservation System. I specifically state to you that Section 7 of that bill is an absolute necessity in order that the River District's water projects decreed and planned for many years, can proceed to construction without interference from such claims as made by the Sierra Club on behalf of the Federal Government in SIERRA CLUB V. BLOCK, recent litigation in the federal district court in the State of Colorado.

In SIERRA CLUB V. BLOCK, the Sierra Club seeks through rulings of the federal court a disturbing change in the tenuously balanced federal-state water relationship. The Sierra Club seeks a judgement that "The United States possesses federal reserved water rights sufficient to fulfill the purposes of Colorado's 27 wilderness areas, with a priority date as of the date of each reservation." I am not aware that the Sierra Club has made this claim on behalf of the United States in any other state except Colorado.

Since the First Wilderness Act was enacted by Congress, we in Colorado have believed that the wilderness designation is a land use management classification affecting lands owned by the federal government. The past Wilderness Acts have been most careful not to assert federal reserved water right claims such as the Sierra Club is now doing in the federal court.

In his initial ruling, the federal judge has stated the United States "has reserved water rights any time it withdraws land from the public domain", but has refused to "determine the extent or nature" of federal reserve rights in Wilderness areas in Colorado. He has retained the case to determine whether the federal government should be ordered to make water rights claims for wilderness areas.

S. 2916, by Senator Armstrong, makes a wilderness designation of National Park Service lands in the Dinosaur National Monument located in both Utah and Colorado. The Green-Yampa Unit involves 48 miles of the Yampa

River, a major tributary to the Green River. The Yampa river arises in Colorado and drains a large area in northwestern Colorado.

The River District has, over the past several decades, made application for and received, under state law, conditional water rights for water storage and power facilities at Juniper and Cross Mountain reservoirs, located on the Yampa River, just upstream from Dinosaur National Monument. The River District has spent millions of dollars on this project. If the claims of the Sierra Club on behalf of the federal government are upheld and the wilderness designation is made without the protective language proposed by Senator Armstrong, in Section 7 of S.2916, the project may effectively be destroyed. The reason for this is obvious, the new wilderness water right will be senior to the River District's water rights and be able to call water away from the project.

We, in the River District, believe that the water language in Section 7 of S.2916 makes it clear that a designation of new wilderness areas in Colorado does not create any right in the federal government to use or flow of water. We believe it restates what is the existing law. Without such lanuguage as Senator Armstrong proposes, it clearly appears that many of the water projects of the River District may be injured or destroyed.

In addition to the clear damage to the River District projects, a new federal reserve water right in the wilderness areas as proposed in SIERRA CLUB V. BLOCK would create havoc in trying to determine how Colorado will meet its Compact commitments under the Colorado River Compact of 1922 and the Upper Colorado River Basin Compact of 1948.

As an example under Article VIII(a) of the Upper Basin Compact, on the Yampa River, Colorado is required to deliver, on the average, 500,000 acre feet of water at the Maybel Gauge for delivery to the State of Utah. (Actual requirement is 5 million acre feet for any period of 10 consecutive years). If there is an additional requirement for a federal reserved water right in Dinosaur National Monument, located below the Maybel Gauge, what is Colorado's actual requirement on the Yampa River? No one really knows. Years of certainty again become years of uncertainty as they relate to water supply on the Colorado River.

Since 1955, the River District has invoked the McCarran Act in an effort to force the United States to quantify its reserved water rights. With the decision in UNITED STATES V. CITY AND COUNTY OF DENVER, 656 P.2d 1 (1983), it now appears that after all these years of litigation the Unites States is prepared to set forth a quantification of its reserved water rights. As a result of this, the water users will be able to determine if they can safely develop and use the water rights which have been threatened for so many years.

Now, must we go through 20 more years of litigation concerning federal reserved water rights in new wilderness designations?

In face of undeserved criticism, Sen. Armstrong has met the challenge by seeking federal legislation which lays these problems to rest. We hope this Subcommittee and the Senate as a whole will follow his lead.

Senator WALLOP. Thank you, Mr. Brooks. I might just observe that at the end of that 20 years we might not be too thrilled with the settlement, either.

What really startles me listening to testimony of you gentlemen and Colorado Springs is the casual view of this situation that was taken by Mr. Getches on behalf of the State of Colorado. Whether or not he agrees with the route to be taken to solve the problems that Colorado faces, it seems inconceivable that the department of natural resources would not know—and when I asked him he said that they did not know—of any potential conflicts. One I mentioned to Ms. Fox was 21 of the 27 wilderness areas of Colorado have possible water diversions from private lands above or within them.

There are 276 to our information adjudicated water rights occurring in the 27 wilderness areas, and 34 more known to exist in the wilderness study areas and further planning areas, and that there are 14 existing or proposed wilderness areas where streams originate outside the wilderness areas where they flow from outside and return to the wilderness. That would seem to be a situation that Colorado would take seriously.

I cannot speak for it and would hesitate to advise it, but I would certainly have that feeling in mind if the situation were in my State of Wyoming.

I appreciate it. We will look carefully at your detailed statements and obviously we have a problem with it that is going to be difficult to resolve—some saying it doesn't exist—but nonetheless, the subcommittee will work with the Colorado delegation and see what we can come up with if that be their desire, and I appreciate your testimony here today.

The hearing is adjourned.

[Whereupon, at 1:05 p.m., the hearing was adjourned.]

APPENDIX

Additional Material Submitted for the Record

STATEMENT
OF
UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT
before the
United States Senate Energy and Natural Resources
Public Lands Subcommitee

concerning

The designation of lands in Colorado for inclusion as part of the
Natural Wilderness Preservation System

Presented By:

L. Richard Bratton
of
Gunnison, Colorado
Attorney, Upper Gunnison River Water Conservancy District
Past President, Golorado Water Congress
Member (Treasurer), Colorado Water Resources and Power
Development Authority

September 18, 1984
Washington, D.C.
As revised September 26, 1984

Mr. Chairman, I would like to first express my appreciation for the opportunity to appear before you on this important matter, and in particular, your willingness to extend the hearing through the noon hour to accomodate those of us who had to catch an airplane back to Denver. My name is L. Richard Bratton, and I appeared officially on behalf of the Upper Gunnison River Water Conservancy District, which is located in Gunnison, Colorado and the Lower South Platte Water Conservancy District, which is located at Sterling, Colorado. I have conducted a general practice of law in Gunnison for approximately 26 years, specializing in water law and agricultural law. I am currently a member and Treasurer of the Colorado Water Resources and Power Development Authority, and am a past president of the Colorado Water Congress. I was counsel for the Upper Gunnison River Water Conservancy District in the case of the United States v. Denver, which is indirectly involved in the matter before your committee.

The Upper Gunnison River Water Conservancy District and the Lower South Platte Water Conservancy District supports S.2916, Senator William Armstrong's bill to designate certain additional National Forest lands and National Parks lands in the State of Colorado as a component of the National Wilderness Preservation System. Specifically, we urge you to continue to include Section 7 in the Bill.

A number of speakers have presented to you and will present to you, both in the form of oral testimony presented to you, and written testimony which they will file with you and with which I am familiar, addressing in depth both the historical and technical reasons why Section 7 must be included in this Bill. We support that testimony and the reasons given therefore and will not burden you with repeating it here. The entities whose testimony we support are as follows:

1. Denver Water Board.
2. Colorado River Water Conservation District.
3. Colorado Water Congress.
4. Colorado Cattlemen's Association.
5. The City of Colorado Springs.
6. Northern Colorado Water Conservation District.

7. Metropolitan Water Users.

8. Upper Gunnison River Water Conservancy District (includes Wayne N. Aspinall Unit of the Upper Colorado River Storage Project Act).

9. Lower South Platte Water Conservancy District (includes proposed Narrows Project).

10. Dolores Water Conservancy District (includes Dolores Project).

11. Tri-County Water Conservancy District (includes Dallas Creek Project).

Cumulatively, these entities represent knowledgeable, responsible water users throughout the entire state of Colorado. They are not a special interest group, but are responsible and deeply involved in the protection and development of water resources for the needs of a vast majority of the people in the State of Colorado. They have previously spent millions of dollars on legal and other expenses on various cases, including in particular the case of United States v. Denver, in an effort to provide a reasonable degree of certainty on the reserve rights issue. With the filing of Sierra Club v. Block it is clear that there still will be no certainty about reserved rights. In addition to the legal fees expended on prior litigation in an effort to provide certainty on the issue, the time delays cost the various entities involved, and therefore ultimately the water uses and citizens of the State of Colorado, many more millions of dollars as the cost of water projects are escalating each year they are delayed.

Opponents to Section 7 are now asking that we delay the issue further, claiming there is no urgency and that it is more practical to preserve the status quo. There is a great deal more urgency to obtain the benefits of certainty provided by Section 7 of S.2916 than there is to preserve the status quo. Opponents of Section 7 stated specifically that: (1) Any special reserved rights for wilderness areas would only have a 1980 priority date (Sierra Club); and, (2) Would only be a minimum right in any event (David Getches). Because of the minimum stream flow provisions already contained in Colorado law, of which approximately 5,000 miles have already been covered by minimum stream flow decrees, and other reserved rights previously existing on Forest Service lands as adjudicated in the case of United States v. Denver, any urgency for any additional rights on wilderness lands in the State of Colorado is at most minimal when compared with the need of certainty by the representatives of the hundreds of thousands of water users in the State of Colorado. If there were demand for such rights, it would not have been that difficult to document before now. Either the opponents to Section 7 are insensitive to the true water needs of the vast majority of the people of the State of Colorado, or even worse, their real motive is to obtain rights which can be used to block or indefinitely delay acutely needed water projects.

The benefit of the 1980 priority date for water rights for wilderness purposes as claimed by the Sierra Club, as compared with a 1984 or 1985 priority date, as would be the case if they were to file under State law this year or next, would appear to be minimal and certainly not sufficient to justify the extended litigation and resultant delay resulting from Sierra Club v. Block which can be avoided by the inclusion of the provision of Section 7. Colorado Wilderness Areas will not be inferior to other wilderness areas in the United States as has been claimed. They are more than adequately protected by existing instream decrees previously obtained by the Colorado Water Conservation Board in some instances and the right to make such filings under Colorado law where a need is shown to exist.

In addition, the wilderness legislation provides numerous restrictions upon development in any event which can only be waived upon a showing to the President that they are necessary. We should not preclude the President's right to waive the restrictions where a need is shown for development of the water rights. If Section 7 is deleted and the results in Sierra Club v. Block are as hoped for by the Sierra Club, the Presidential waiver is meaningless, even with the most deserving water project.

In summary, I would like to repeat that we believe the urgency is for the inclusion and passage of Section 7 for the benefit of all the water users in the State of Colorado, and not for its delay as is requested by the small group represented by the Sierra Club. The minimal benefits that could be obtained from special instream water right for wilderness should not be provided at the expense of the citizens and water users of the State of Colorado.

P.O. Box 717
Buena Vista, Colo. 81211
September 12, 1984

SEP 18 1984

The Honorable James A. McClure, Chairman
Senate Energy & Natural Resources Committee
Dodd Senate Office Bldg., Rm. 360
Washington, D.C. 20510

Dear Senator McClure,

We respectfully request that this letter be included in the record of the hearings for the 1984 Colorado Wilderness Bill.

We strongly object to Senator Armstrong's attempt to deal with water rights issues in this bill for these reasons:

1. If the water rights issue must be addressed, we believe it should be dealt with separately in the appropriate forums. Interjection of this issue into this particular bill adds confusion and jeopardizes the protection of many unique and valuable areas threatened by destructive intrusions if not designated Wilderness this year.

2. We believe the language in Senator Armstrong's bill would prevent protection of water within wilderness areas and allow the construction of projects to extract and divert water from within those areas. We believe the intent of designating wilderness areas should include leaving the natural production, storage and flow of water intact. Wilderness areas within Colorado contain the very headwaters if important streams and rivers which supply this vital liquid to the rest of the state and beyond. Protection of the natural ecology of these areas ensures a steady supply of high quality water for downstream users and deserves the highest priority. If anything, legislation should be passed which insures forever that water within wilderness is not tampered with.

Sincerely,

M/M Dick Scar

Mr. & Mrs. Dick Scar

Tony

September 19, 1984

Mr. Leigh Oliver
P.O. Box 1359
Pagosa Springs, CO 81147

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 24 1984

Sen. James McClure
Senate Committee on Energy and Natural Resources
316 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Sir:

I am a real estate broker in Pagosa Springs, Colorado. My wife and I have lived here for almost five years. As you may be aware, Pagosa Springs is the nearest town to the South San Juan Expansion Wilderness Study Area (WSA).

The Pagosa Springs area over the past several years has experienced a significant amount of growth due in large part to the development of Fairfield Pagosa, an 18,000-acre planned resort community just west of town.

About seven years ago when the local lumber mill closed, this area turned to tourism and recreation as the mainstay of its economy. We rely very heavily upon people who come during every season of the year to escape to the beauty of these mountains, to ski at the Wolf Creek Ski Area, or to fish rivers like the East Fork of the San Juan.

The South San Juan Expansion WSA is actually quite close to both the Wolf Creek Ski Area and to the East Fork of the San Juan. It is also very close to a newly planned 2,400-acre resort development at the upper end of the Wolf Creek Valley. The developer, Doerring and Associates, plans to center its project on a new ski area which they hope to start building in 1986. The closest backcountry gateway to this proposed recreational community is the valley of the East Fork of the San Juan and the South San Juan Expansion WSA, which towers above it.

It appears that the main obstacle to the South San Juan Expansion being designated as Wilderness is the possibility of the presence of molybdenum in the Montezuma Peak area. A few years ago when Amax announced plans to test for minerals in the area, opposition to such exploration issued primarily from the local Guides and Outfitters Association, a group generally more in tune with the NRA and conservative politics than with conservationist sentiments.

It is just that they recognized what many of us here have realized: the future of this area is tourism and recreation. The proximity of the Wolf Creek Valley development to the South San Juan Expansion WSA should, I think, hammer this point home. We need wilderness for these folks to retreat to. To think that we can put a molybdenum mine near the headwaters of the East Fork is to ask the land to serve too many masters. It simply will not work.

The door of time is closing for us here in Pagosa Springs. The rapid development of this area needs to be balanced by greater opportunity for the true wilderness experience. Is it likely that ten years hence we will find other areas near Pagosa that are more deserving of wilderness designation? No. I am afraid the door is closing. I hope that Congress will include the South San Juan WSA in this year's Wilderness Bill. I do not think we will again have another chance to do so.

Sincerely,

Leigh Oliver

Leigh Oliver

cc: Senator Gary Hart
Senator William Armstrong
Colorado Open Space Council

FTP?

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
SEP 17 1984

L.S. Holsenbeck
4359 Winding Cir.
Colorado Springs, CO. 80917

Carla DeVaughn
434 Berckman Rd.
Augusta,GA.30909

DearSenator McClure

The issue is S.2916. Why is Senator Armstrong's version of the bill 125,000 acres smaller than the House-passed, bipartisan compromise bill (H.R. 5426)?

Why does S.2916 eliminate the Forest's Service ability to assert a reserved water right in wilderness ?

Why has Senator Armstrong chosen to ignore more than 500,000 acres of Forest Service and BLM land proposed by conservationists for protection?

Why does Senator Armstrong state that there is not particular need to pass this legislation now?

Have you not been to the areas in question?

Have you not seen our shrinking wilderness areas while taking a vacation in our country?

Is it not time for our government "leaders" to represent the good of the citizens and protect this good by representing the many over these rich and greedy few who wish to continyally develop and mine this land?

I also ask that this letter be included in the hearing record on S.2916.

Sincerely, concerned voters,

Carla DeVaughn
LS Holsenbeck

12 Sept. 84

Hon. James McClure
Chairman, Senate Energy and Natural Resources Committee
Dirksen Senate Office Building
Room 360
Washington, D.C 20510

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984

Dear Sen. McClure,

I am enclosing a copy of my letter to Sen. Armstrong on S2916 and would like to have it included in the record of the hearings.

Thank you.

Sincerely
Paul W. Winston
650 South 41st ST.
Boulder, Colo. 80303

The Hon. William Armstrong
Hart Senate Office Building
Room [illegible]
Washington, DC. 20510

Dear Senator Armstrong,

I am glad to see that you are getting started on legislation for enlarging Wilderness holdings in Colorado with S2916 but it very important to push this as fast as possible before some of the areas are damaged beyong repair. As a Coloradan you know how fragile the high country is; it does not recover from abuse.

An important consideration is the booming population of Colo., most of whom are moving here because of the amenities represented by the Wilderness, which allows us to get away from highways and motorized vehicles that are always around us. It is falacious argument that allowing vehicle access would get people into the forests who could not go otherwise. Most are quite able-bodied and fit enough to walk rather than ride, and those who can't possibly do it have plenty of places they can go. This holds both for residents and for tourists.

Mining and timber interests make much of needing to use the designated land for mineral and timber exploitation, but it does not make sense for these areas to be opened to them when only a small percentage of mineral reserves (proven) is in the present and proposed Wilderness areas. Further, why should timber cutting be allowed when it costs the Forest Service more to handle this than they can get back in fees. Trees grow slowly in most of Colo. and the forests cannot be treated as tree farms.

Probably as important as anything is retaining watershed in the best possible condition. It is well known that forests retain water and release it much more slowly than disturbed ground, especially hilly areas. In the short term a few people will profit but in the long term the losses to the people of the State will be far greater if these areas are opened up.

I do not have time to go through the bill piece by piece, but it is important that you include at least the areas proposed by the House compromise bill, including Fossil Ridge, Williams Fork, Wheeler Geologic, the South San Juan Expansion, and Oh Be Joyful. Also, the boundary changes proposed by the conservation groups for the Davis Peak, Service Creek, Sangre de Cristo, and Buffalo Peaks areas should be included. I also urge you to change the wording concerning water rights. The Forest Service must be able to retain rights to enough water to keep the streams running and lakes and wetlands full. The present problems with the Holy Cross Area is a good example of what can happen. It will be ruined by withdrawal of as much water as is proposed.

Finally, I must urge you to think of the Wilderness as a way of banking for the future. We must leave something for our descendents even though we have the capability of denuding the Rockies.

I hope you can consider these suggestions favorably; a lot depends on what we do now.

Thank you.

Sincerely,

Paul W. Winston

Paul W. Winston
650 Mount [illegible] Street
Boulder, Colo. 80303

[illegible]
Ft. Collins, Co. 80521
September 15, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 19 1984

Dear Senator McClure,

Enclosed is a copy of the letter I am sending to Senator Armstrong regarding my concerns about his version of the 1984 Colorado Wilderness Act (S. 2916). I have addressed some of the important changes and additions that must be made before the bill is acceptable.

Please take some time to read the letter and then include it in the Hearing Record on S. 2916. It is important that the committee hear how Coloradoans feel about this watered-down version of critical wilderness legislation.

Sincerely,

Ingrid Hamann

Ingrid Hamann.

124 N. Williams
Ft. Collins, Co. 80521
September 12, 1984

Dear Senator Armstrong,

I am writing to express my dissatisfaction with your version of the Colorado Wilderness Act, S.2916, in its present form. I am disappointed with its meager Forest Service wilderness acreage. You have ignored the 125,000 acres of Forest Service and BLM land proposed for protection in H.R. 5426, which will be lost to development in the next 10-15 years if they are not designated now. Instead, nearly half of S.2916 acreage is National Park wilderness which is neither controversial, nor is it imminently threatened. This is at the cost of sacrificing those areas proposed in HR 5426 and S2032 which *do* need protection.

I am especially concerned about the language used in S.296 which *eliminates* the Forest Service's ability to assert a reserved water right in wilderness. This potentially opens *all* Colorado wilderness to water development. Wilderness, *by definition*, excludes water development, does it not?!

I want to remind you that existing and candidate wilderness areas - *nationwide* - contain less than 2.7% of undiscovered oil, 5.3% of potential gas, and that timbering in Colorado forests last year cost the USFS twenty times more than it received in sales. At the same time it is estimated that the demand for primitive recreational opportunities will outstrip the available supply by the year 2,000.

I strongly urge you to rethink these issues and make a minimal, but wise improvement on your bill with the following inclusions:

- Add, as wilderness: Oh Be Joyful, Fossil Ridge, Lost Creek, So. San Juan Expansion, Spanish Peaks, Wheeler Geologic, and Williams Fork.

- Adopt the necessary conservationist boundaries for: Service Creek.
    - include the headwaters of Service and Silver Creeks.

  Buffalo Peaks
    - Davis Meadows & Pony Creek, both critical bighorn habitat.

  Davis Peak
    - include important additions to the Mt. Zirkel Wilderness: Big Creek Lakes, headwaters of the Encampment River, Hinman Canyon, Dome Peak.

  West Needles/Weminuche Additions
    - all of Cascade Creek & Purgatory Flats

Sincerely, (Ingrid Hamann)

4277 Eldorado Springs Road
Boulder, Colorado 80303
September 13, 1984

Tony

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
SEP 21 1984

The Hon. James McClure, Chairman
Senate Energy & Natural Resources Committee
Room 360, Dodd Senate Office Building
Washington, D.C. 20510

Dear Mr. McClure:

It is impressive to me that Republicans & Democrats in the House co-operated in approving wilderness-designated lands in each Colorado congressman's district. I hope S. 2916 will include their recommendations — the congressmen are the local "experts!" It should also include any recommendations of the USFS (and they are not famous for liberal wilderness recommendations!)

The Forest Service should be able to maintain the integrity of water within designated wilderness areas. Protection of watersheds in their entirety is important. Proper amounts of clean water are essential to plants & animals within wilderness areas (including, in Colo. WSAs, some endangered species: Buffalo Peaks (bighorn sheep), Piedra (river otters) and Fossil Ridge (bighorn sheep), for example). The most famous example I think of is the everglades-type ecosystem, where decreased water flow is literally killing the "sea of grass" and thus, its animal inhabitents. Other examples include Mono Lake in California, shrinking due to water diversion, thus reducing bird habitat; and the mouth of the Colorado (former) River.

I understand that protection is needed now, or areas may be ruined for future wilderness consideration by oil & gas development, timber harvest or ORV use. I wonder if the above are necessary when I read of USFS contracts resulting in a net COST to the USFS; or I remember this past summer in Denali National Park — getting in line at

5 AM (to insure getting one of a limited number of ~~available~~ campsites available ~~campsites~~ that day) when the office opened at 6 AM; or of hearing of needing reservations for camping in the Grand Canyon — reservations needed months in advance! We need to protect wilderness to have a place to which to divert the hordes hoping to camp in popular places.

In addition to the generalized recommendations above, I would specifically urge you to include Wheeler Geologic Area as wilderness. Someday I hope to see those formations, and when I do, I don't want to find the tracks of ORVs eroding into their own formations!

Yours truly,
Elaine G. Taylor

P.S. Please include this letter as part of the hearing record. Thank you. E.T.

(Similar letter sent to Bill Armstrong, Colorado Senator)

D. P. (Mike) Svilar
Attorney at Law
821 N. 8th West
Riverton, Wyo. 82501
(307) 856-9272

September 12, 1984

Honorable Malcom Wallop,
United States Senate
Russell Senate Building
Washington, DC 20510

Dear Senator Wallop:

I represent U.S. Energy Corp., a Wyoming based mining company, and wish to address a serious concern regarding a wilderness proposal for the State of Colorado.

On Sept. 18, 1984, the Senate Energy Committee is to hold a hearing on three wilderness bills affecting areas in Colorado. Of our immediate concern in the bills is to the Oh-Be-Joyful Wilderness Study area which comprises approximately 5,500 acres northwest of Crested Butte, Colorado.

The first bill, which did not include Oh-Be-Joyful in Wilderness, was sponsored by Congressman Ray Kogosevak and is HR 5426. The bill included approximately 750,000 acres and as now amended covers the Oh-Be-Joyful study area. Senator Gary Hart has also sponsored S-2032, which appropriates less than the 750,000 acres, but includes the entire 5,500 acres of the Oh-Be-Joyful area. Senator Bill Armstrong has most recently introduced S-2916 which targets approximately 443,000 acres of BLM and National Forest Land along with 436,000 acres of National Park Service land for designation as wilderness. Senator Armstrong's bill does not include the Oh-Be-Joyful study area.

U.S. Energy Corp., a Wyoming publicly traded corporation, along with its affiliates, Ruby Mining Company and Crested Corp., all Riverton based companies, own approximately 140 unpatented lode mining claims which lie within the bounderies of the Oh-Be-Joyful area. The companies have been actively exploring the area for minerals.

Of even greater importance to these companies is the Mt. Emmons molybdenum deposit which lies less than one mile from the boundary of this proposed wilderness area. As you may know, this deposit is one of the largest and may very well be the richest molybdenum deposit in the free world. U.S. Energy Corp. and Crested Corp. have an interest in the deposit. These companies are currently undertaking a comprehensive feasibility study of producing molybdenum from the deposit with a mine-mill complex in the 5,000 tons per day range.

With property values down in Gunnison, Colorado, there are many homes for sale. Unemployment is up and nearby Western State College enrollment is down. The companies have conducted a survey of the county and it indicates that such a mine-mill complex would be generally welcomed. If Oh-Be-Joyful is included in Wilderness, it could be a serious impediment in producing the molybdenum deposit.

Mt. Emmons, as is portions of the Oh-Be-Joyful study area, is in a mining district which existed before the turn of the century. The molybdenum discovery, however, was made less than ten years ago. Due to high elevations, short seasons and rugged terrain to name just a few, these mineral deposits are difficult and very costly to find. Although the task may be great, it is essential that we are able to explore for molybdenum and other strategic metals in areas that show as much promise as the Oh-Be-Joyful area. Several patented mining claims exist within the proposed area as do at least three mining shafts and many numerous adits and prospects. The area is not roadless and contains several jeep and pack trails.

With thisin mind, on behalf of several thousand shareholders, I urge your support of Senator Armstrong's bill without the Oh-Be-Joyful area. It is essential for our nations security to keep areas with similar mineral potential open for exploration and development.

Very truly yours,

D.P. Sviler

STERN, NEWTON & PETERS
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

RONALD S. STERN
RICHARD E. NEWTON
PHILIP A. PETERS

P.O. BOX 65, SOLAR PLAZA
GRANBY, COLORADO 80446
303/887-2163
303/726-5786

September 24, 1984

The Honorable Malcolm Wallop
Committee Chairman
Subcommittee on Public Lands &
Reserved Water
Room 308
Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Sir:

By this letter, I would like to voice my support for the wilderness bill affecting the State of Colorado as adopted by the House of Representatives. It has come to my attention that Senator Armstrong of Colorado has introduced a bill in the Senate which greatly restricts the amount of wilderness land to be established by this piece of legislation. It is also my understanding that the Reagan Administration has requested even further cuts in the amount of land selected for wilderness designation. I am a resident of Grand County, a rural area within easy driving distance from Denver and one which is heavily impacted by recreational usage. I am very concerned that the wilderness designation for the Vasquez Peaks area, one which was omitted from Senator Armstrong's bill, be granted to protect this precious natural resource which is under such tremendous pressure as a result of increased population, mineral exploration, etc.

Please see that this letter becomes part of the record.

Sincerely,

STERN, NEWTON AND PETERS, P.C.

BY:
Richard E. Newton
Attorney at Law

REN:eh

Board of Water Commissioners

1600 West Twelfth Avenue Denver, Colorado 80254 Phone 623-2500

D. DALE SHAFFER, President
CHARLES G. JORDAN
MONTE PASCOE
JOHN A. YELENICK, 1st Vice-President
MARGUERITE S. PUGSLEY

W. H. MILLER
Secretary-Manager

September 14, 1984

Senator Malcolm Wallop
Chairman, Public Lands and Reserved
  Water Subcommittee
Senate Dirkson Office Building
Room 308
Washington, D.C. 20510

Re: Proposed Colorado Wilderness Areas -- S-2916 -- Federal Reserved Water Rights Attendant to Wilderness Areas

Dear Senator Wallop:

We welcome the opportunity to provide comments concerning the upcoming hearing on the Colorado wilderness proposal submitted by the various members of the Colorado Congressional Delegation. Throughout the year we have worked with the members of the Colorado Delegation on the various wilderness proposals submitted by both Senators Hart and Armstrong, together with the House compromise worked out with Representatives Wirth and Kogovsek.

As you are no doubt aware, earlier this year the Sierra Club filed a lawsuit against the Secretary of Agriculture, John Block, and the State Engineer for the State of Colorado in the U.S. District Court for the District of Colorado. This case captioned Sierra Club v. Block, et al., Civil Action No. 82-K-2, seeks a mandamus action against various federal officials for abuse of discretion in their perceived failure to file claims for federal reserved water rights appurtenant to the various wilderness areas located within Colorado. The action against the Colorado State Engineer was a mandamus action to force him to administer those water rights. This federal litigation filed by the Sierra Club against the above-referenced officials forces us to look harder at the question of federal reserved rights vis-a-vis wilderness areas in Colorado, and we are concerned about the significant and disturbing tension between water rights obtained under state law proceedings and reserved water rights incidental to wilderness areas. Denver is very concerned that federal reserved water rights held by the United States in a wilderness area in Colorado would derogate vested water rights held by owners of water rights who have made appropriations and developed their water rights according to state law. There are owners of water rights located within wilderness areas, both present and proposed. The municipalities of Denver, Aurora, and Colorado Springs all own water rights which are located in or may be developed within wilderness areas, and there may also be other individual water users with various points of diversion, ditches, canals, or pipelines located in such wilderness areas.

Historically, the designation of wilderness areas in Colorado has not created a reservation of reserved water rights appurtenant to the wilderness areas so designated. This is best illustrated by the fact that the Homestake Collection System being built jointly by the Cities of Colorado Springs and Aurora lies within the Holy Cross Wilderness Area, and that project as well as the expansion of the Homestake II project was provided for in the legislation establishing the Holy Cross Wilderness Area. Moreover, the 1974 Wilderness Act provides that the President of the United States may grant a waiver from the constraints imposed by wilderness designation for construction of water projects located within the wilderness area. Section 16 U.S.C., paragraph 1133(4) provides as follows: "Within wilderness areas in the National Forest designated by this Chapter (1), the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in a specific area will better serve the interests of the United States and the people thereof than will its denial." This provision clearly and undeniably permits the President of the United States to authorize water projects within a wilderness area and conflicts with the notion advanced by the Sierra Club that the United States has reserved water rights for wilderness purposes.

The Sierra Club, in their Complaint in Sierra Club v. Block, et al., not only alleges that the Colorado wilderness areas have appurtenant to them federal reserved water rights, but also that these water rights are antedated to the date of the National Forest reservation as opposed to the wilderness reservation. The Complaint filed by the Sierra Club does not allege that the United States failed to claim a federal reserved water right which purportedly vested upon designation as a wilderness area. The Complaint could have easily been phrased or amended to allege such a claim. In contrast to this position, the Sierra Club Complaint asserts a preservation of all water resources in their "natural condition", and from that it can be argued that the wilderness characteristics to be preserved existed when each federal reservation, i.e. National Forest, was first created.

This notion of antedating these new federal reserved water rights to the date of the original forest reservation would make this new class of wilderness reserved water rights senior to many of the water rights owned by various Colorado water users including the City and County of Denver. With respect to the projects which Denver has planned and for which Denver holds water rights, this new class of senior reserved water rights would render several of Denver's proposed projects unbuildable, with a concomitant adverse impact on the residents of the Denver metropolitan area. The institutional and socio-economic disruptions caused by the creation of a new class of senior federal reserved water rights would be tremendous.

There is, likewise, a significant impact to water right holders resultant from the establishment of federal reserved water rights appurtenant to wilderness areas with a reservation date as of the date of the establishment of the wilderness area. The key to understanding how a junior federal reserved water right held by the United States in wilderness areas might serve to derogate vested water rights of others lies in an understanding of Colorado water law. The nature of a federal reserved right in a wilderness area is such that it would command the total flow of a stream, the maintenance of a given lake level, or the continuance of ambient water tables with respect to reserved groundwater rights. It is assumed that senior decreed water rights normally would be allowed to exercise their full rights within a wilderness area where such development is authorized by the wilderness legislation itself, or in those circumstances where a presidential exception could be obtained. However, any change to a new point of diversion would result in a diminishment, qualitatively and quantitatively, of the water right if the federal reserved water right reserved under the wilderness area were used to impede the existing right.

As an example, I would invite your attention to the attached Exhibit which portrays a situation where a stream flows through a wilderness area and is depicted on this map as flowing from the upper right hand corner to the lower left hand corner of Exhibit A. The dashed line on Exhibit A represents a planned or proposed gravity collection system which intersects the stream at Point "A", for which the water right holder holds a decree as a proposed point of diversion. If, during the construction of the project, the alignment for the conduit or a collection system has to be moved upstream such as depicted at Point "B" on Exhibit A, the significance of the federal reserved water right comes into play. In the construction of these projects, in the mountainous and terrain of Colorado, it is not unusual to find minor deviations from the proposed point of diversion to the actual point of diversion, and generally these deviations are necessitated by actual field conditions. However, by deviating the new actual point of diversion from the proposed Point "A" to the actual Point "B", the instream flow from Point "B" to Point "A" would be diminished below that quantity of water contemplated by the federal reserved water right for wilderness purposes, the significance being that the federal reserved water right calls for the total undiminished flow from Point "B" to Point "A". The net result of this is that it becomes legally impossible to move a water right upstream from a proposed point of diversion or a decreed point of diversion, in a change proceeding under Colorado law, to an as-constructed upstream diversion point because injury will result to the federal reserved water right. Under Colorado law, a change of water right proceeding cannot be decreed if either a senior or junior is injured as a result of the change proceeding.

As a result of this situation, the exercise of the existing water right held by a party under state law, is severely curtailed where federal reserved water rights with the wilderness area characteristic are involved. It would be extremely difficult, if at all possible, to negotiate terms and conditions in a water rights transfer proceeding with the federal government when the measure of the water right is the total flow of the stream within a given reach. This is especially so in light of the willingness of environmental groups such as the Sierra Club and others to seek mandamus actions against federal officials for abuse of discretion for, in their view, not pursuing federal reserved water rights aggressively enough.

The Denver Water Department provides potable water to the citizens of the City and County of Denver as well as numerous contract service areas outside the City and County of Denver. The Department is currently providing water to approximately 1,000,000 inhabitants in the Denver metropolitan area, and with this in mind, the Department is very concerned about anything which might compromise both present and future water supplies. For this reason, we recommend that no Colorado wilderness areas be designated without the inclusion of language similar to that contained in Senate Bill No. 2916, which clearly and explicitly provides that designation of federal reserved water rights for wilderness areas was never intended, either expressly or impliedly, to create a whole new class of federal reserved water rights for wilderness reservations. Without such language, the future of the Denver metropolitan area as well as the State of Colorado, may see an inability to utilize both present and perspective water rights.

It should also be noted that, the ability of the United States Forest Service to manage the forests including the wilderness areas reserved under any Colorado wilderness bill is not diminished by a lack of a federal reserved water right for wilderness purposes. The Forest Service can go into the State court, pursuant to State law, and file for water rights for discrete and identifiable uses in the wilderness area. These water rights would have their own ranking within the priority system, and enjoy all the rights and privileges appurtenant to water rights under Colorado law.

In closing, I again thank you and the Committee, for providing the Department with the opportunity to comment and for your consideration in this matter. Should you or other members of the Committee require additional information, or if we can be of further assistance, please feel free to contact me.

Sincerely,

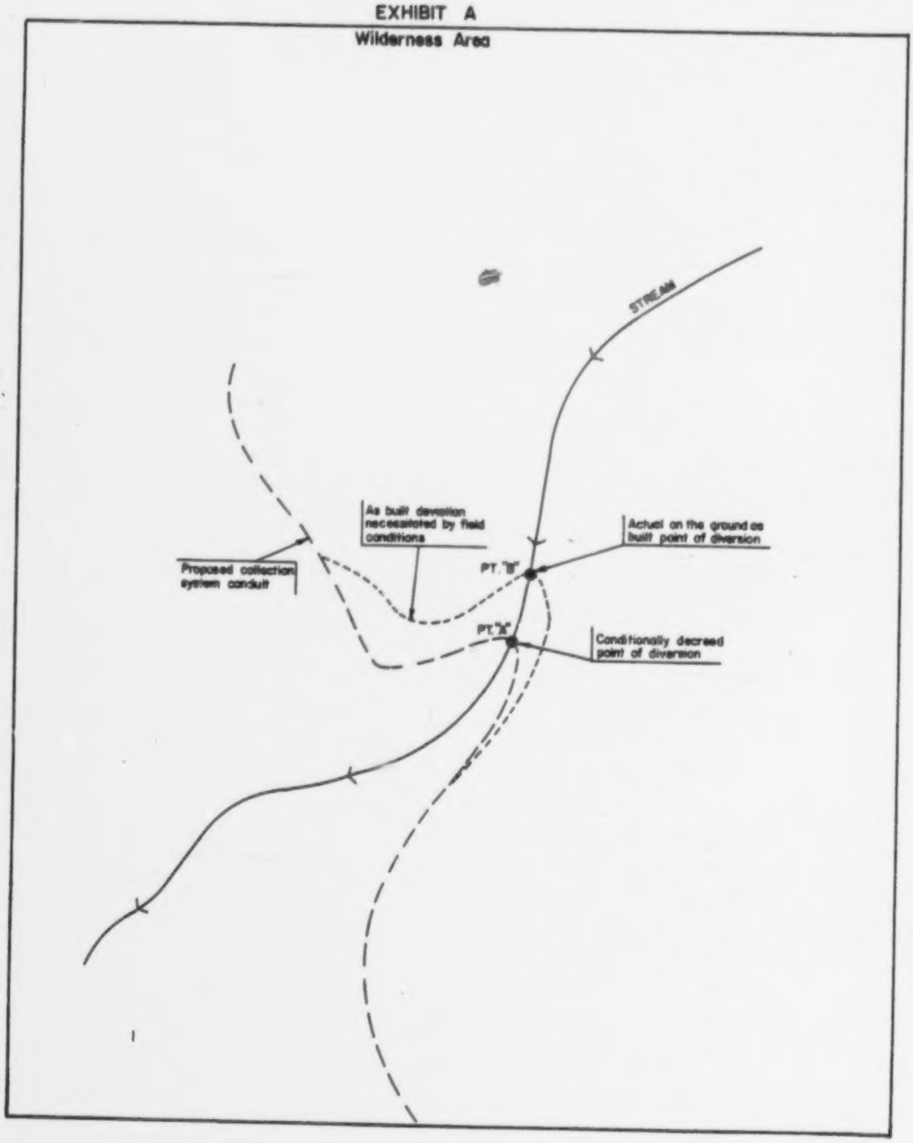
By Wayne D Williams
Wayne D. Williams, General Counsel

FOR:

William H. Miller
Manager

WHM/WDW:baw
Attachment

EXHIBIT A


Wilderness Area
STREAM
As built deviation necessitated by field conditions
Actual on the ground as built point of diversion
PT. "B"
Proposed collection system conduit
PT. "A"
Conditionally decreed point of diversion

D. P. (Mike) Svilar
Attorney at Law
821 N. 8th West
Riverton, Wyo 82501
(307) 856-9272

September 12, 1984

Honorable Malcom Wallop,
United States Senate
Russell Senate Building
Washington, DC 20510

Dear Senator Wallop:

I represent U.S. Energy Corp., a Wyoming based mining company, and wish to address a serious concern regarding a wilderness proposal for the State of Colorado.

On Sept. 18, 1984, the Senate Energy Committee is to hold a hearing on three wilderness bills affecting areas in Colorado. Of our immediate concern in the bills is to the Oh-Be-Joyful Wilderness Study area which comprises approximately 5,500 acres northwest of Crested Butte, Colorado.

The first bill, which did not include Oh-Be-Joyful in Wilderness, was sponsored by Congressman Ray Kogosevek and is HR 5426. The bill included approximately 750,000 acres and as now amended covers the Oh-Be-Joyful study area. Senator Gary Hart has also sponsored S-2032, which appropriates less than the 750,000 acres, but includes the entire 5,500 acres of the Oh-Be-Joyful area. Senator Bill Armstrong has most recently introduced S-2916 which targets approximately 443,000 acres of BLM and National Forest Land along with 436,000 acres of National Park Service land for designation as wilderness. Senator Armstrong's bill does not include the Oh-Be-Joyful study area.

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With thisin mind, on behalf of several thousand shareholders, I urge your support of Senator Armstrong's bill without the Oh-Be-Joyful area. It is essential for our nations security to keep areas with similar mineral potential open for exploration and development.

Very truly yours,

D.P. Svilar

Huerfano Valley Citizens' Alliance
P. O. Box 696
Redwing, Colorado 81066
303-746-2286
September 16, 1984

The Honorable Malcolm Wallop
Chairman
Public Lands Subcommittee
Room 308
Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Wallop:

We would like to request that this letter be included in the hearing record for the Colorado 1984 Wilderness Bill. If we had had the financial resources, we would have sent a representative to Washington to present testimony before the committee. We have testified at the Forest Service hearings, at their open houses, at Senator Armstrong's Open House in Pueblo and at the House Hearings. We are strongly in favor of Wilderness Area Designation for the three areas in Huerfano County that residents use widely. These three areas are: Greenhorn Mountain, the Sangre De Cristo Range and the Spanish Peaks.

All three of these areas are easily accessible to residents of Huerfano County as well as to other Colorado residents on the front range. They have considerable use by people from Pueblo, Colorado Springs and Denver. As we see the areas of Colorado Mountain near Denver being used so much that it is necessary to institute a system of quotas, we feel that our area will be used more and more, and that we have an obligation to be sure that it is saved as wilderness and is not given up to mining and gas and oil development. We also find that there are more and more people from out of state (Kansas, Oklahoma, Texas and New Mexico) who are coming to enjoy these wild mountainous areas in southern Colorado.

Huerfano County is very depressed economically, and has the sixth lowest per capita income in the state of Colorado. The GArdner Community Corporation stands on record as supporting wilderness area designation for these three areas because they see the possible economic growth that tourism can bring to our area if these areas are kept in a wilderness state. They will remain as a valuableeconomic asset to the residents of Huerfano County for years to come.

The Gardner Democratic Caucus voted unanimously to support wilderness area designation for Greenhorn, the Sangre De Cristos and for the Spanish Peaks. One reason people in our area are very concerned that these areas be designated as wilderness is because of our experience with the ARCO Sheep Mountain CO_2 project in our area. We now know that once oil and gas leases are developed, that these areas are no longer available to the public and are changed so much that they are no longer able to be considered wild. We understand that this particular operation is one of the least damaging and cleanest possible, and yet we still see that it has taken our wilderness away from the enjoyment of the people. The area is off limits to residents who formerly used it for hiking, hunting, fishing and wood cutting. One must have millions of dollars worth of insurance coverage to drive in the area at all.

We would like to support the boundaries proposed by Rep. Ray Kogovsek and Rep. Tim Wirth in the compromise-House Bill for these three areas, with a few changes. The Greenhorn Mountain area should include the chunk left out on the west side because of a private inholding. That private land belongs to a Buddhist group connected with Naropa Institute in Boulder. They own land outside the Forest Service which is used as a Retreat Center. The land inside the Forest Service Boundary is not accessible by road and is very remote. The people at Naropa say they do not intend to ever develop that land, and that they can barely maintain the road they do have into their property outside the Forest Service Boundary. They say that they would be willing to sell or trade the property to the Forest Service, and that they are very much in favor of the area being designated as wilderness. Their lawyer, John Roper in Boulder confirms this. Therefore, the area should be included in the Wilderness Area proposed. Other area residents whose property borders that stretch of Forest Service Land are also in favor of wilderness designation, and many of them have written their Senators and Congressmen in support of the area being wilderness.

We feel that the boundaries for the southeast end of the Sangre de Cristo Range must include the jewel of the area, the peak of Mt. Blanca. Lost Lake and Lily Lake and the Blanca Basin areas should definitely be included. Blanca Basin and Lily Lake are easy hikes that are accessible to people who are not technical climbers and expert hikers. Both youth and older citizens can hike there, and it seems that wilderness areas should not cater to only advanced hikers and climbers, but should be available to the population at large. As much of the eastern side of the Sangres as possible should be included because they are easily accessible to people on the front range without having to go all the way around on La Veta Pass (Highway 160) to Alamosa.

The Spanish Peaks should definitely be included in the 1984 Colorado Wilderness Bill. It is a spectacular area with unique geological formations and is an outstanding landmark to those familiar with southern Colorado. It appears that most of the private inholdings are used for grazing. We would urge the Forest Service to pursue a vigorous effort to arrange for land sales or trades with the private owners involved. We doubt that this has been pursued vigorously because the Greenhorn private landowners were easy to contact and amenable to the idea, but had never been contacted.

We feel that these three areas are special is their entirety and should not be chiseled away. There have been no negative changes in the areas since the Forest Service designated them as wilderness in the RARE II process. Wilderness areas encompass only 3% of the total land in the United States. We must ensure that this small amount of our land remains protected for future generations in this country.

We feel that the water language proposed by Senator Gary Hart is far preferable to Senator Armstrong's. Reserved water rights provide for only enough to meet the purposes of the reservation. Wilderness areas are good for downstream water users because they guarantee both a good quantity and quality of water to downstream users.

We thank you for your interest and support of wilderness areas in Colorado. We know that this has been a lengthy and complicated process and we sincerely hope that the final result will be the protection of many areas in Colorado that will be used and appreciated by future generations. In particular we hope that Green horn, the Sangre de Cristos and the Spanish Peaks will be designated as wilderness areas in 1984. We feel that the economic value of these areas will increase as recreation areas in the long run far more than as a meagre timber resource or as a limited mining or oil and gas resource. Future residents and visiters to our County will appreciate your support of these areas as wilderness.

Sincerely,
Rosalyn McCain
Rosalyn McCain
Vice-President
Huerfano Valley Citizens' Alliance

cc: Senator Gary Hart
Senator William Armstrong

pitkin county

506 east main street
aspen, colorado 81611

September 14, 1984

Senator Malcolm Wallop
Chairman, Senate Subcommittee on
Public Lands
Room 308
Dirksen Senate Office Building
Washington, D.C.

Dear Senator Wallop,

I am writing on behalf of the Pitkin County Board of Commissioners in regard to S. 2916, Senator Armstrong's Wilderness Bill which will come before your Subcommitte for hearing in the near future.

Pitkin County has always regarded Wilderness Areas to be an important component of the local tourist economy as well as a vital ecological resource. For that reason we supported the compromise Wilderness Bill (HR 5426) recently passed in the House. We note that the Forest Service/BLM acreage in S. 2916 falls short of that in HR 5426 by some 125,000 acres. Specifically, Senator Armstrong's proposal excludes areas with proven Wilderness and wildlife values such as Fossil Ridge, Wheeler Geologic Area, Oh-Be-Joyful and additions to the existing South San Juan and William's Fork areas. The extractive resource value of these areas remains highly speculative after years of study. We feel that there is significant local support for the inclusion of these areas in the Wilderness System and we urge that S. 2916 be amended to include them.

As to Senator Armstrong's inclusion of National Park lands in his proposal, we would point out that these lands are already afforded significant protection through their National Park status. While we find it commendable that Senator Armstrong wants to strengthen this protection, we do not feel that such protection is needed as urgently as it is for Forest Service and BLM lands which are currently threatened by ORV traffic and destructive mineral exploration activities.

Finally, we must strongly object to Senator Armstrong's inclusion of language regarding Federal reserved water rights in this legislation. Senator Armstrong is correct in noting the controversy surrounding the reserved rights concept, but we feel he is incorrect in his apparent assumption that his language will in any way lessen that controversy. There are several court cases currently in progress which promise to clarify this issue and we feel that this is the appropriate forum to debate the issue rather than adding to Wilderness controversies through the introduction of this extraneous issue. We feel that water rights should be addressed, if at all, by reiteration of the language of Section 4(d)(7) of the Wilderness Act:

"Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from state water laws."

This language effectively seperates the water rights and wilderness issues, a separation which has undoubtedly saved many Wilderness measures from a controversial demise.

Thank you for giving us this opportunity to make our views known to you and the other members of your Subcommittee. Please enter this letter into the official hearing record for S. 2916.

Yours truly,

Mark Fuller
Environmental Coordinator

cc: Sentor William Armstrong
Senator Gary Hart
Senator Jame McClure
Mark Pearson, COSC

ASPEN WILDERNESS WORKSHOP inc.
box 9025 aspen colorado 81612

September 14, 1984

Senator Malcolm Wallop
Chairman, Senate Subcommittee on
Public Lands
Room 308
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop,

On behalf of the Aspen Wilderness Workshop, I would like to make the following points regarding SB 2916, Senator Armstrong's Wilderness Bill.

1) It is not necessary to protect National Park lands through Wilderness designations. Such designation cannot hurt, of course - we do believe that significant portions of our National Parks should remain in a primitive state - however, National Parks are already strongly protected from most development activities and such activities are subjected to stringent public review prior to implementation. It is much more critical that Forest Service land which is even now being planned for timber harvest and other activities be set aside as Wilderness. We do not suggest that Senator Armstrong withdraw his National Park Wilderness proposals but their inclusion must not mask the fact that this bill includes 125,000 fewer acres of National Forest and BLM land than the acreage included in the HR 5426.

2) Several important areas have been left out of Senator Armstrong's Bill. Fossil Ridge, Wheeler Geologic Area, Oh-Be-Joyful Basin, and the South San Juan and Williams Fork Additions have all been strongly supported for protection in HR 5426. The House Bill studied these areas extensively and recommended that Fossil Ridge and the South San Juan additions remain in further study status, that the Wheeler area be made a National Monument, and that Oh-Be-Joyful and Williams Fork be designated Wilderness. Although Senator Armstrong is correct in pointing out the competing interests in these areas, we feel that they are simply too valuable to release to unprotected non-wilderness status for the sake of resource values which remain highly speculative. We endorse the House recommendations on these areas. We also endorse the boundaries to

the Sangre de Christo, Buffalo Peaks, Davis Creek and Service Creek areas which were included in HR 5426 after exhaustive local research and compromise.

3) Senator Armstrong's language regarding federal reserved water rights has no place in Wilderness legislation. Senator Armstrong is apparently attempting to strengthen the position of local water rights holders against that of the Federal Government by expressly divorcing Wilderness from reserved rights through his proposed language. This legislative solution could, in fact, make it far easier to develop water diversion projects within wilderness areas which could, in turn, make it impossible for federal land managers to protect those wilderness values dependent on clean and free-flowing streams. Such an approach to the difficult reserved rights question can only increase the controversy surrounding this issue and hold up wilderness legislation in the process. We feel that wilderness legislation should steer clear of water rights issues and allow them to be settled by the courts.

Please enter this letter into your Subcommitte hearings on this legislation and thank you.

Yours truly,

Steve Child

Steve Child, President
Aspen Wilderness Workshop

604 West 8th Street
Leadville CO 80461
Sept. 10, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984

Dear Sir:

As A resident of Leadville and the Buffalo Creek area near Denver I am interested in your Bill S 2916. I feel that the Buffalo Peaks proposed area should be expanded to accommodate proper game preservation. Iunderstand the Colorado Division of Wildlife strongly recommend this action.

The Lost Creek expansion area has been omitted, which I find Disturbing. The possible minerals in this area are state owned and could be exchanged for preservation of the area.

The section dealing with possible water use in any wilderness area past or project could present a problem in preservation of all these afeas.

I appericate your interest in wilderness legislation and your desire for input from your Colorado constituency.

Sincerely yours,
Walter Hotchkiss
Walter K. Hotchkiss

please submit to hearing committee
duplicate of letter sent to
Senator Armstrong

9-11-84

Dear Senator Armstrong

As Colorado citizens concerned about environmental quality, we are pleased that you have introduced a wilderness bill (S. 2916) To the senate. We are concerned though, that your bill has more than half of its acreage in national parks. While park wilderness protection is a good thing, parklands are virtually protected by just being national parks. National Forest roadless areas are not protected because of the Forest Service's policy of multiple use.

Senator Armstrong, We urge you to please include the following areas that would greatly improve and enhance your bill.

1) Oh Be Joyful
2) Fossil Ridge
3) wheeler Geologic
4) william's Fork
5) South San Juan Expansion

Also, please include the conservationist boundary for:

1) Sangre de Christo
2) Buffalo Peaks
3) Davis Peak
4) Service Creek

We have visited several wilderness areas closer to Denver, yet we would like to visit the areas mentioned. In addition as Evangelical Christians, we believe "The heavens declare the Glory of God, and the Firmament His handiwork". Wilderness is part of God's handiwork, Therefore, it would be good Stewardship over God's creation to protect these areas.

Sincerely and In Christ,

Arthur and Pamela Cook

Sep. 11 19

Senator Bill Armstrong,

Dear Senator,

This letter is to specifally request that you amend your wilderness bill S 2916 to include the recommendations of Senator Hart or at a minimum those agreed to by the House and conservationists defined in HR 5426. It is also specifically requested that you take all meand possible to obtain passage of a good wilderness bill this year.

I was brought up and lived at the foot of the Sangre de Christos and still own property and have many friends there. I have also climbed and back packed all over Colorado and have been active with the Colorado Mountain Club for over 40 years.

Since the Sangre de Christos are my home, I request you revise your bill to reflect the boundaries recommended in the conservationists studies.

From home we can look across the valley to Greenhorn mountain. I request you amend your bill to include the Northern part up to the snowshed trail. The Forest Service recognizes the wilderness potential of this area, and has delayed all possible timber sales until the wilderness question is settled.

Near the South end of the Sangre de Christos at the foot of the valley are the Spanish peaks which are not only geologically significant with their long radiating dikes but are also a major habitat of bighorn sheep. I once saw 23 of them cross a ridge in 20 minutes which later took me nearly 2 hours to cross. This area should be preserved as wilderness.

Speaking of bighorn sheep, the Buffalo peaks area near Salida is a major winter and spring support area for bighorn particulary in the spring for lambing. The Colorado division of wildlife recognizes this as an important wildlife habitat for bighorn. I request you add Pony Creek valley and the Davis Meadows to your bill.

Lost Creek is one of the few areas that is low enough to be reasonably free of snow as early as Memorial day. I have back packed into Lost Creek from 3 different directions on a number of Memorial Day weekends. It is truly a wilderness area still, I have seen bighorn sheep, deer and elk and have seen signs of bear and mountain lion. This area should be preserved from development and particuraly from motorized vechiles. There is no useable timber and no minerals of significance have ever been found. I request you add Lost Creek to your wilderness bill.

Wilderness is important to Colorado vistors and to us who are native to the state. It must be protected from development and vehicle intrusion and from the demands of devolping areas and industry for water.

I would like you to reconsider and add the San Juan recommended expansion and recommend Oh Be Joyful areas to your bill.

I respectfully request that you improve the wilderness protection as I have indicated and make every effort to achieve early passage.

Sincerely, David Waddington

WELFELT
WELDING

P.O. Box 187 • Delta, Colorado 81416 • (303)

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984
WASHINGTON, D.C. 20510

September 12, 1984

Dear Senator Armstrong,

As a small businessman I understand the need for economic prosperity, but I also feel the need to keep much of the wilderness in our state intact. Over the last ten years I have noticed a marked increase in the use of the remaining wilderness. Hunters, fisherman, hikers and backpackers are taking to the woods to escape the pressures of our industrial society. It is imperative that as our population increases there be recreation available for them.

I am therefore very disappointed with your proposal in the 1984 Colorado Wilderness Act (S 2916). I have personally visited many of the area's included in the bill and know first hand their scenic value. Tourism is one of this states largest industries and the value of preservation far exceeds marginal timber harvests (often sold at a great loss to the government) and poorly planned mineral exploration.

I feel you could improve your bill by adding the Oh be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan expansion as wilderness. I am particularly concerned about the elimination of reserved water rights in wilderness areas, lake levels and stream flows in wilderness areas must be protected.

Sincerely,

John M. Welfelt

John M. Welfelt

[illegible]ial Committee [illegible]

2018 Tunis Circle
Fort Collins, CO 80526
September 11, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984
[illegible]

The Honorable William Armstrong
Hart Senate Office Building
Room 528
Washington, DC 20510

Dear Senator Armstrong:

Re: S. 2196

Though you have acted on public demand for wilderness legislation, I am deeply concerned about the potential danger to a reserved water right in wilderness. Language in the bill indicates the Forest Service would have no ability to assert such a right. I urge you to improve the bill so that this danger would be eliminated.

It is my feeling also it would be good to include Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan Expansion as wilderness, so that they would not be left open to non-wilderness use and specifically water diversions.

I would also urge inclusion of the Buffalo Peaks area in a significant amount to protect the bighorn sheep lambing areas in Davis Meadows. Wildlife habitat and winter ragne is critical and calls for wilderness designation.

In fact, all of the areas under consideration (and those not in S. 2196) are potentially threatened by industry, and such industry is not really substantial compared by the demand for primitive recreation which grows yearly.

I ask that this letter be included in the hearing record on S. 2196.

Respectfully,

Jeanetta K Hodges

Jeanetta K. Hodges

cc: Honorable James McClure, Chmn.

Dear Senator McClure:
As chairman, I wanted you to know how we feel in Colorado about the Wilderness Bill you are considering. Thanks for your help
RA

Official Committee File

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 18 1984

Dear Senator Armstrong:

I am writing to urge you to amend your Wilderness Bill (S.2916) so that we in Colorado (as well as our important tourist industry) can enjoy the most beautiful parts of our State without the scars of development.

Specifically, I ask you to accept the House-passed version that was carefully hammered out by preservationists and developers. We need to protect the areas of Oh-Be-Joyful, Williams Fork, South San Juan, and Fossil Ridge. We need the acreage of the House-passed bill in the Sangre de Cristo, Buffulo Peaks and Davis Peak area. And, the water-rights portion of your earlier Bill would effectively open all of these areas to developement (and conflicts with all Wilderness Bills in other States).

I urge you to follow the Republican tradition of preserving our heritage, started long ago by Teddy Roosevelt. Such foresight now will be a gift to our generation and many to come.

Sincerely,

Roger Hursh MD

Roger Hursh M.D.
1743 So. Sherman St.
Denver, Co 80210

September 13, 1984

Official Committee File

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
SEP 18 1984

The Hon. William Armstrong
Hart Senate Office Building
Room 528
Washington, D.C. 20510

Dear Sen. Armstrong:

I am writing concerning your wilderness bill, S. 2916. I am grateful for your introduction of this bill, but feel it does not go far enough. I feel very strongly that we need to save as much wilderness as possible. As we become more and more an urban population, the few areas of land not marred by human development will become more and more necessary, a sanctuary from the stress of daily living. I think your bill, at the very least, should match the House-passed bill in the amount of acreage recommended for wilderness and, at the very best, include all the land recommended by conservationists. This includes the Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and South San Juan Expansion areas.

I am particularly distrubed by a section of the bill which would not allow the Forest Service rights to water in the wilderness, thus leaving the door open for water projects in wilderness areas. Having a human-made disturbance in wilderness, in which wildlife patterns are disrupted and streams and lakes are distrubed, negates the idea of wilderness.

Please consider increasing the number of acres of wilderness in your bill and deleting the provisions for water projects. Future generations will thank you.

Sincerely,

Kathy Kaiser

Kathy Kaiser
980 34th St.
Boulder, CO 80303

cc: Senater James McClure

10156 E. Cherokee Ln.
Parker, CO. 80134
Sept. 14, 1984

The Hon. William Armstrong
Hart Senate Office Bldg.,
Room 528
Washington, D.C.

Dear Senator Armstrong,

I urge you to reconsider S. 2916 as it now stands. As a Colorado citizen who would like to have its beauty protected for future generations, I ask that you improve your bill by adding as wilderness areas the following: Oh Be Joyful, Fossil Ridge, Wheeler Geological, Williams Fork and the South San Juan Expansion.

I am concerned that S. 2916 seeks to eliminate the Forest Service's ability to assert a reserved water right in wilderness. It is imperative that the Forest Service retain its ability to protect stream flows and lake levels in wilderness areas. That you have chosen to make this portion of the bill retroactive to cover all wilderness areas in the state established since 1964 is particularly offensive to me.

Please reconsider adding the 500,000 acres of Forest Service and BLM land proposed by conservationists. Nationwide, existing and candidate wilderness areas contain less than 2.7% of undiscovered oil and 5.3% of potential gas. The cost to the Forest Service last year for timbering was 20 times greater than what it received in sales receipts, yet the demand for primitive recreation opportunities will outstrip the available supply by the year 2000. Acreage has been left out of S. 2916 which is necessary for the protection of wildlife:

> Buffalo Peak: critical bighorn sheep lambing areas in Davis Meadows and bighorn habitat contained in Pony Creek.
>
> Piedra: Critical river otter habitat contained in the areas near and including the Weminuche Creek.

There are other areas--Callibal Plateau, Powderhorn, Greenhorn Mountain, Fossil Ridge, Spanish Peaks and St. Louis among them--which should be reconsidered for inclusion in S. 2916. Indeed, should they not, the price should they be lost to industrial development, would be staggering to all of us.

Sincerely,
Jane B. Anderson
Jane B. Anderson

If possible I would appreciate this being made a part of the Record

Tom

SEP 1 5 84

614-338-1404

FEST FARMS INC.

MANAGEMENT-OPERATIONS-APPRAISALS

~~3484 PARADISE DRIVE~~
~~WEST BEND, WISC. 53095~~

Official Committee File

1546 Sunset Blvd.
Boulder, CO 80302
September 13, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 18 1984
WASHINGTON, D.C.

Hon. William Armstrong
Hart Senate Office Building
Room 528
Washington, D.C.

Dear Senator Armstrong:

I write to urge your reconsideration of your apparent position on the current Wilderness Bill S.2916. In addition to the desirability of increasing the acerage to be protected to approximate that approved by the House version, the preservation of the Forest Service's ability to reserve water right in wilderness areas seems essential. As I understand the bill your version retroactively applies to all wilderness areas created in the state since the passage of the 1964 Wilderness Act.

The amendment which you have offered at this critical time tends to endanger passage of the entire "package". The attitude of many here in Colorado seems well expressed in two editorials, one from The Denver ost and another from Colorado Wildlife, which I enclose.

Let us have action on this important piece of legislation before the Congress adjourns.

Sincerely,

Thorrel B. Fest

Thorrel B. Fest
Vice President

cc. Senator James McClure

Roger B. Morrison
13150 W. 9th Ave.
Golden, Colo. 80401

The Honorable William Armstrong
Hart Senate Office Building
Room 528
Washington, D. C. 20510

17 September 1984

Dear Senator Armstrong,

Both of us object strongly to your version of the 1984 Colorado Wilderness Act (S 2916). We object particularly to the substantially less acreage (125,000 acres smaller) of Forest Service administered land to be designated as Wilderness in your bill compared to H.R. 5426, the bipartisan compromise bill that was passed by the House. We want these areas added to Colorado Wilderness (which your bill omits): Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork, and South San Juan Expansion.

Also, we strongly object to language in your bill which can open all Colorado wilderness areas to water development.

We urge you to withdraw your bill and to support Senator Hart's bill (S 2032). All the areas under consideration are currently being threatened in one way or another, and it is urgent that Congress act positively on this matter during its current session.

Respectfuly yours,

Roger B Morrison

Roger B. Morrison

Harriet W. Morrison

Tony

LAURENCE I. MOSS
ENERGY DESIGN AND ANALYSIS
5769 LONGS PEAK ROUTE
ESTES PARK, COLORADO 80517

(303) 586-6885

September 18, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 24 1984
WASHINGTON, D.C. 20510

Senator William Armstrong
Senate Office Building
Washington, D.C. 20510

Dear Senator Armstrong:

This is to advise you that I strongly object to Section 7 of your bill (S. 2916) regarding water rights in Colorado wilderness areas. You have taken an extreme position on this issue, which, if maintained, will doom the prospects for enactment of a Colorado wilderness bill in 1984.

I am sure you are smart enough to understand that the rhetoric about water being the West's most valuable resource is just that--rhetoric. Despite its endless repitition by the people in the water establishment, editorial writers, and politicians, the fact is that water in the West is valued lower than dirt or rocks.

For example, at $100 per acre foot, which is far more than the selling price of most water from projects receiving federal and state assistance, water is going for about 8 cents per ton. To put that in perspective, when I built my house in 1980 I paid a hundred times as much for ordinary rock at a quarry near Ft. Collins, plus an equal amount for transportation to the site.

This is not the place to go into all of the intricacies of water law, policy, and pricing. Suffice it to say that our shortage is not that of water, but of an economic incentive (through pricing at levels close to full incremental cost) to use water only for purposes in which the value it adds is greater than its cost.

As I recall, you opposed, for good reason, the energy policies of the 1970's (price controls on oil and natural gas, the entitlements program, governmental allocation of supplies) which provided the wrong economic incentives to both energy suppliers and users, caused an increase in U.S. oil imports from 5 million bbl/day in 1973 to 9 million bbl/day in 1978, and by artificially stimulating U.S. demand for energy and oil greatly strengthened the position of OPEC in raising prices. Fortunately that policy has changed, at least in part, and energy is being priced (mostly in the marketplace) at closer to incremental cost. Demand for energy has dropped since 1978. U.S. oil imports are down to about 5 million bbl/day, OPEC's ability to control prices has weakened, the rate of inflation has declined, and the economy is growing rapidly, with a much higher ratio of GNP and GDP output per unit energy input.

Well, the pricing and economic policies now in place for water are as bad as or worse than those for energy in the 1970's. You give me the impression from Section 7 of your bill that you are willing to accept all of that and sacrifice the integrity of our wilderness areas so as to misallocate even more water.

We don't need that. What we do need is the political leadership to change water pricing policy to more accurately reflect costs.

One final note: Colorado is in transition. Its economic future is not tied to the extractive industries or to water development. It depends rather on its human and intellectual resources. The state will succeed if it provides an economic, intellectual, and physical environment of relative freedom and high quality. This means an enlightened tax policy, a strengthened educational system, clean air and water, and the protection of outstanding natural environments in national parks and wilderness areas.

I hope you will do your part to help bring this about. For the present, I ask that you withdraw the Section 7 water rights language from your bill and, with respect to boundaries, accept those recommended by COSC and other environmental organizations in their 1.2 million acre Colorado wilderness proposal.

Sincerely,

Laurence I. Moss

Laurence I. Moss

LIM:akm

cc: ✓Senator James McClure
Chairman, Energy and Natural
Resources Committee

P.S. I would welcome an opportunity to discuss these issues with you in more detail. If you visit Estes Park you might be interested in seeing our house, which uses pressurized air-water showers and toilets, as well as other water-saving devices, to reduce household water consumption by more than 80%. Other features result in a more than 85% reduction in energy use. The house has been featured on KRMA TV's "A House for All Seasons" (broadcast on the PBS television network) and in many publications.

Official Committee File

869 Milwaukee Street
Denver, Colorado 80206
Sept. 15, 1984

SEP 19 1984

Hon. Bill Armstrong
Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Armstrong

Thanks for your letter of August 16 which enclosed a copy of the Wilderness Bill which you introduced (S. 2916). As you know, I have a strong interest in wilderness thgrough visits to many Colorado, Wyoming, Alaska, Utah, and California wildernesses.

I hope that you have introduced your bill in time for the Senate to pass a bill this year; and that you can accomodate your bill to the provisions of bill which the House passed already. I like the House bill better, for the following reasons:

It includes Oh Be Joyful, Wheeler, Williams Fork, and South San Juan areas, all of which, except Wheeler, I have explored.

It has better boundaries for Buffalo Peaks and the Mt. Zirkel addition--particularly with respect to the Big Creek Lakes area.

It does not contain the restriction on the ability of the Forest Service to protect wilderness from dewatering from water projects. I particularly object to attaching this restriction to already established wilderness areas.

I urge you to devote your efforts to passing a wilderness bill during this session.

Yours truly

Hugh E. Kingery

Hugh E. Kingery

✓ CC: Hon. James McClure

Sen. McClure: Please include this letter in the hearing record.

FEDERAL EXPRESS

THOMAS A. BARRON
13845 Highway 83
Colorado Springs, CO 80908

September 18, 1984

Honorable William L. Armstrong
United States Senate
Washington, DC 20510

Dear Senator Armstrong:

As a Coloradoan, I am totally dissatisfied with Senate bill 2916. In its present form, it is clearly inadequate to do the job we require, both for ourselves and for future generations.

It is necessary and imperative to make important additions to the bill. It should be at least doubled in acreage to cover several highly sensitive areas you have eliminated. Our existing wilderness areas contain almost no undiscovered oil and gas reserves, so there is not even a sound economic rationale for spoiling permanently these pristine areas. Can we not save a generous piece of our beautiful Colorado lands so that our children can always know the peace and majesty of our wilderness reserves?

I hope you will hear my concerns and act upon them. I am sending a copy of this letter to Senator James McClure, with the request that he include it in the hearing record on S.2916.

Sincerely,

T. A. Barron
Thomas A. Barron

cc: Senator James McClure

(Copy) Jory

MRS. JOHN W. STEWART
2633 SPRING GROVE TERRACE
COLORADO SPRINGS, COLORADO 80906

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SEP 19 1984

September 14

Dear Senator Armstrong:

As a life long Coloradan I implore you to add "Oh be Joyful," Fossil Ridge Wheeler Geologic, Williams Fork and South San Juan Expansion as wilderness — also adopting necessary conservationist boundary changes for the Sangre de Cristo, Buffalo Peaks, Davis Peak and Service Creek.

Also the Forest Service must have the ability to assert a reserved water right in wilderness —

Yrs truly,
Marka Webb Stewart

1475 Folsom. #1027
Boulder CO 80302
12 September 1984

The Honorable William Armstrong
528 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Armstrong,

This letter is to comment on your Colorado Wilderness Bill, S. 2916.

We are concerned that your bill deletes some 125,000 acres included in H.R. 5426, and we urge you to reinstate those areas. We are particularly saddened that you bill does not include Cascade Creek Canyon and Purgatory Flats in the West Needles/Wimenuche additions and releases the South San Juans entirely. Our experiences in those areas lead us to believe that they are eminently worthy of wilderness designation.

We totally oppose your elimination of Forest Service authority to assert reserved water rights in Colorado wilderness areas. To broaden this proposal so as to include all existing wilderness areas in our state seriously compromises the integrity of our wilderness preservation system. We urge you to drop your support for such a provision.

We support your inclusion of wilderness areas in three of our national parks and monuments, however, as these areas are de facto wilderness, your prompt and favorable consideration of the Forest Service and BLM lands in H.R. 5426 and your elimination of the reserved water rights provision of your bill is much more important.

Please keep us informed on your actions regarding Colorado's wilderness lands.

Sincerely,

Michael Smith
Michael L. Smith

Joy L. Smith
Joy L. Smith

copies: Senators Hart and McClure

FTR Tony

FOUR CORNERS EXPEDITIONS
BOX 1032, BUENA VISTA, COLORADO 81211
"The Whitewater Capital of Colorado"
(303) 395-8949 or (303) 395-6657

9/12/84

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
SEP 17 1984

Dear Senator Armstrong,

I am writing to commend you on introducing S.2816, your Colorado Wilderness Bill. I feel it is a good start but does not go far enough. First, it does not go far enough. Please consider increasing the size of the areas to that which is equal to or greater than the Conservationists recommendations. Please delete your language concerning reserved Water Rights. Our water can be protected without such language. Also, do not delay on passing legislation this year. Delay might mean exploitation by the oil, gas, or timber industry, and nationwide our candidate wilderness areas contain less than 3% of undiscovered oil and 6% of potential gas, and Colorado Forests last year cost the Forest Service 20 times more than it received in sales receipts.

Finally, a personal plea for maximum acreage for Buffalo Peaks. An overwhelming majority of voters in Ken Kramer's district support it, and we need to protect bighorn sheep lambing areas in Davis meadows and Pony Creek. This is a gentle area near Denver and Colorado Springs which could and does provide much needed wilderness recreation for many city folk. You need not be in ~~go~~ top physical shape to enjoy it.

Your consideration of these points will be greatly appreciated

Sincerely,

Reed Dils

Copy to Hon. James McClure FTR

9-11-84

The Hon. Wm. Armstrong
Hart Senate Office Bldg.
Room 528
Washington, DC 20510

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984
WASHINGTON, D.C. 20510

Dear Sen. Armstrong:

I have taken notice of the 1984 Colorado Wilderness Act (S. 2916).

It is hard for me to believe you can support such things as removing Lost Creek from Wilderness!

I have spent many days in Lost Creek. It is close to Denver & is highly used by many many Colorado residents as a place of retreat from the busy cities. This area is unique, wild & contains of no value to miners or lumbers.

Why must you condemn it to firewood cutting, etc?? So much of Colorado is available to mineral, oil & gas, timber etc. Must these remote beautiful areas be condemned to jeep trails, mine dumps, cutting & the like? Have they not already suffered enough?

Where are future generations to go? The coasts have been commercialized. Other beautiful areas over populated. →

9-11-84

By 2000 there will be so much activity & no place to go since the area you propose will not be adequate.

Theodore Roosevelt had a dream of holding these lands for future generations. Must we not protect them forever?

I ask you to enlarge the area you propose for wilderness nearer to those proposed by Sen Hart & especially not to drop any!!

I wish that this letter be included in the hearing on S. 2916.

Thank you.

Joel P. Goldberg
615 Water ST #214
Golden CO 80401
303-278-0584.

FTR

Senator McClure:
Please include this letter
in Hearing Record on S. 2916.
Thank you.

Box 545
Snowmass, Co. 81654
September 11, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984
WASHINGTON, D.C. 20510

The Honorable William Armstrong
Senate Office Building
Room 528
Washington, D.C. 20510

Dear Senator Armstrong,

I am writing to express my dissatisfaction with S. 2916 in its present form.

First of all the language in S.2916 eliminates the Forest Service's ability to protect water in the wilderness. And most objectionable of all is that the bill retroactively covers all wilderness areas established in the state since the passage of the 1964 Wilderness Act. This language must not be included.

There are more than 500,000 acres of Forest Service and BLM lands that are not included. We must not sacrifice these areas that have all the potential for wilderness designation.

The demand for primitive recreation opportunities increase every year. Living near the Snowmass-Maroon Bells area, I am personally so aware of the increased traffic each year to these wild areas, that I urge you to recognize that recreational needs must be met in Colorado since tourism is so important to our economy. Existing and candidate wilderness areas--nationwide--contain less than 2.7% of undiscovered oil and 5.3% of potential gas, and timbering in Colorado's forest last year cost the Forest Service 20 times more than it received in sales receipts!

Saving these lands is important to Colorado residents. Having lived in Colorado 64 years, with many days spent in the high country, I realize the importance of wilderness preservation for our state. Few states have such spectacular lands to save and I urge you to act now to include Oh be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan Expansion. Also adopt boundary changes for the Sangre de Cristo, Buffalo Peaks, Davis Peak and Service Creek areas.

Thank you for your consideration,

Dottie Fox

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 17 1984

September 6, 1984

Dear Senator Armstrong:

I am writing concerning S2916, the Colorado Wilderness Bill you have introduced in the Senate. I find a number of things wrong with your bill.

① The acreage is too small. You should add the following: Oh-Be-Joyful, Fossil Ridge (critical bighorn sheep and elk habitat), Wheeler Geologic, Williams Fork (the Denver Water Board has agreed to a boundary change here) and South San Juan Extension. Also, some boundary changes should be made, such as at Buffalo Peaks (the Colo. Division of Wildlife [illegible] recognizes this area because of wildlife habitat) and at Service Creek (where you have failed to include the headwaters of Silver and Service Creeks).

② You have failed to reserve water rights to these [illegible] areas to [illegible]. You have made it much more difficult, if not impossible, for them to protect the water there. We must decide if we want these areas to be wilderness, in true form, with strong protection.

③ There is too much emphasis on hard release, which is clearly a threat from development. The threatened BLM and Forest Service lands are in greater need of protection.

④ You are not moving fast enough. These areas are under immediate threat of development. There will be a greater need for primitive recreation opportunities in the future which these areas can provide, than for oil, gas and timber which they cannot provide (we are all familiar with the losses incurred by the Forest Service in timber sales; these areas, and already designated areas nationwide contain less than 2.7% of undiscovered oil, and 5.3% of potential gas).

I hope you will consider the points I have made before moving ahead with your bill. Thank you.

Barbara E. Brayton
1550 Sherman, #303
Denver, CO 80203

Sincerely,
Barbara E. Brayton
1550 Sherman #303
Denver, CO 80203

Please include this letter in the hearing record on the Colo. Wilderness Bill, S2916. Thank you.

Barbara E. Brayton

September 11, 1984

1984 SEP 18 PM 4:48

DATE ANS:________ DOC #:____
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Senator William Armstrong
Senate Office Building
Washington, D.C 20510

Dear Senator Armstrong:

Thahk you for addressing the issue of Colorado wilderness by introducing S. 2916.

This bill, however, falls far short of achieving a balanced approach to wilderness protection in Colorado.

My opinions are based on 16-years experience as a geologist working in some of the areas worthy of protection but excluded by your bill.

I urge you to at the very least increase Forest Service wilderness acreage to a level provided for by the House compromise bill(H.R. 5426). Accordingly, I recommend that you include the Oh-Be-Joyful, Fossil Ridge, Williams Fork, and South San Juan Expansion areas for wilderness protection. Mineral and timber resources are minimal in these areas and are proposed for protection under H.R. 5426. Moreover, the Denver Water Board has agreed to a boundary change that would not conflict with wilderness designation for the Williams Fork area, a pristine watershed rich in wildlife.

I also urge you to increase wilderness acreage in the following areas: Service Creek, Cannibal Plateau, Buffalo Peaks, Piedra, Davis Peak, St Louis Peak, West Needles/ Weminuche, and Greenhorn Mountain.

I am deeply troubled by language which potentially opens wilderness areas to water development. I urge you to drop provisions in S. 2916 regarding federal reserved water rights; these provisions are not acceptable and are based on invalid arguments. Instead, I recommend that you keep within thespirit and letter of the 1964 Wilderness Act stating that wilderness designation has no bearing on state water laws.

Please include this letter in the hearing record on S. 2916.

Thank you.

Sincerely,

Richard L Reynolds

Richard L. Reynolds
4331 Eldorado Springs Dr
Boulder, CO 80303

Linda Pohle

1984 SEP 17 PM 5: 20 9/11/84

DATE ANS:________ DOC #:______
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Senator William Armstrong
U.S. Senate
Washington, D.C.

Dear Senator Armstrong:

Thank you for introducing 1984 Colorado wilderness legislation last month. I understand that you consider your bill to be flexible and that you expect to make adjustments in the areas/boundaries included in your bill based upon public comment. Please include my comments in your consideration.

First of all, regarding specific areas, I encourage you to add spectacular areas to your bill — the South San Juans, Oh-Be-Joyful, and Fossil Ridge. And to broaden the boundaries [illegible] other areas — to include the fourteeners in the Sangre de Cristos and the headwaters of creeks in Service Creek.

Secondly, I am very concerned about possible ramifications of your bill's present federally reserved water rights language. Wilderness is frequently at the headwaters of Colorado water resources and, hence, actually protects the quality of that water for downstream users

1587 South Trenton Court • Denver, Colorado 80231 • 303/755-5249

such as cities, farmers and businesses. To remain neutral on the issue I urge you to simply quote the language in the 1964 Wilderness Act. Surely Wayne Aspinall was looking out for Colorado's water interests when he drafted language in that Act that states wilderness designation has no bearing on State water laws!

How much wilderness is enough? Presently, only 4% of the U.S. land area is designated wilderness, yet 5/8's of the total is in one state — Alaska. Clearly we are not in immediate danger of "locking up" vast resources within those lands because there isn't a vast amount of land and the biggest proportion of it is in very inaccessible places.

How much wilderness is enough? I quote Bob Marshall: How many Brahms symphonies do we need?"

Please continue to support Colorado wilderness in your legislative efforts

Sincerely,
Linda Pohle

DATE ANS:________DOC #:______
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471 Galena St.
Aurora, Co. 80010
Sept. 11, 1984

The Honorable William Armstrong
Hart Senate Office Building
Room 528
Washington, D.C. 20510

1984 SEP 17 PM 4:47

Dear Senator Armstrong:

Thank you for introducing your S.2916, Colorado Wilderness Bill. As a Colorado resident and one of your constituents, I am presenting my opinion concerning S. 2916.

I disagree with some aspects of S. 2916, and I want you to know about them and act according to the following:

- I oppose your language on water rights in S.2916. Your language is not neutral about water rights in wilderness areas. Water reserved for wilderness flows through and out of a wilderness area, thus it is available to users outside the wilderness. Consequently, I want you to replace the water rights language in S.2916 with the same language used in the original 1964 Wilderness Act, which states that wilderness designation has no bearing on state water laws.

- Your bill is limited in the total alloted wilderness acreage. I want you to improve the bill by adding the acreage that makes the total equal that in the House-passed compromise bill (H.R. 5426). Remember sir, the entire Colorado delegation voted for H.R. 5426.

  Specifically, I want you to add Oh-Be-Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan Expansion. I also want you to adopt the necessary conservationist boundary changes for the Sangre de Christo, Buffalo Peaks, Davis Peak and Service Creek areas.

  I have backpacked and climbed in the Sangre de Christos, and I want the Crestone Peak, Crestone Needle and South Colony Lakes area to be included as wilderness in S. 2916.

- You must work to pass S. 2916, with the above changes and additions, this year - 1984.

Please include this letter in the hearing record on S. 2916.

Respectfully yours,

Robert W. Trester

Senator William Armstrong
US Senate

9 11 84
Ft Collins Colo

1984 SEP 17 PM 4 19

Dear Senator Armstrong

Because of my past contact on environmental
issues I received from you a letter on hazardous
Waste control dated 8,8,84. Thank you for voting for
the Resource Conservation + Recovery Act.

Today we have another environmental issue of
Which I am highly concerned. June 19, 84 (Denver Post)
House passes Colorado Wilderness legislation. You were
Quoted as "will get it unbottled as soon as I can" since
you had failed any action.

Denver Post July 10th Page 26A ARMSTRONG LOST IN THE
Wilds Not since Indian Brave Lame Beaver lashed
himself to a post in "Centennial" have Coloradoans
Witnessed so desperate a lone wolf stand as Sen. Bill
Armstrong battle against the creation of Wilderness
areas.

Now comes your bill S. 2916. I am disappointed
in the 443,000 acres of USFS lands compared to 564,000 acres
in House version. As before you have included National
Park lands that are already protected. What concerns
me are the hundreds of thousands of potential Wilderness
acres that need to be designated and designated now

②. I am very much against S. 2916 provisions which eliminate reserved water rights in Wilderness, such provisions retroactive to all Wilderness areas.

Colorado has been famous for delaying action on Wilderness. I have been highly concerned starting many years before the 1963 act was killed in Wayne Aspinall Committee. That year Allott, Hickey, Dworsak & Goldwater wrote the minority opinion in the Senate.

Please make this statement part of the Hearing Record on S. 2916

Thank you

Ted B. Mitchell
427 Buckeye
Ft Collins Colo 80524

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RGM Construction Co.
5409 E. Constitution Ave.
Colorado Springs, CO 80915

1984 SEP 17 PM 3:08

The Hon. William Armstrong,

This letter is in response to the 1984 Colorado Wilderness Act and I wish this to be included in the hearing record on S. 2916. First off I would like to say that I am pleased that Senator Armstrong has acted at least to some degree towards preserving wilderness lands. I am requesting however that more land is completely necessary right away. I feel that if the president is re-elected he will continue on his course of anti-environment policies. Although he has been quiet lately do to election year tactics, we will be fighting against more of his atrocities soon. Please do not compromise with the maximum amount of land offered. Please improve the bill by adding the South San Juan expansion, of Be Joyful, Fossil Ridge, Wheeler Geologic & Williams Fork. ~~South~~ It is also imperitive that the necessary conservationist boundary changes for the Sangre de Cristo (a favorite of mine), Buffalo Peaks, Davis Peak and Service Creek areas. I must mention the dagerous possibilities opened by the wording in relation to the forest service no longer having athority to protect against water developments! In the recent local TV. ads for re-electing Senator Armstrong I was very pleased to hear his mention of an environmentaly unsound policy which he was against. Not very many candidates will use environmental issues in their campaigns.

→

RGM Construction Co.
5409 E. Constitution Ave.
Colorado Springs, CO 80915

even the news stations devote! nearly 15 min each broadcast to sports related items and not one, or seldomly so, environmental issue is discussed when there is always some atrocity constantly threatening. I wonder how the public would respond if they knew about the slack language now being proposed. Quite the opposite of the image intended in the TV ads. This kind of approach where you imply publicly what you stand for while privately doing just the opposite is why, precisely, Americans are becoming unenchanted with the political candidates - if they cannot be consistent in thier dealings. Perhaps since Armstrong had no counter in this election, he feels he is the monopoly However, getting back to the environment. The citizens of Colorado especially in the Denver - Colorado Springs and Pueblo regions are growing in population size, another reason immediate sanctuary must be maintained for the Wilderness area All of the remaining open lands are extremely valuable for the health of human communities. Perhaps if we were more carefull with the planning of the cities. The definite safety of wild lands would be guaranteed. This, should be the only compromise. Foresightedly,

Mary Ellen Montgomer

1984 SEP 18 PM 3:46

2731 Cedar
Pueblo, Colo. 81004
Sept. 13, 1984

The Hon. William Armstrong
Hart Senate Office Building
Room 528
Washington, D.C. 20510

Dear Senator Armstrong:

I am writing to express my disappointment in your version of the 1984 Colorado Wilderness Act (S-2916).

I urge the inclusion of more Forest Service Wilderness lands and BLM acreage.

I also urge the exclusion of language in the bill which potentially opens all Colorado wilderness areas to water development.

Please include my letter in the hearing record on S-2916.

Sincerely,

Barbara De Salvo

Barbara De Salvo

cc: Senator James McClure

ATE ANS:________DOC #:______
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[illegible]:______________________

September 13, 1984

1984 SEP 18 PM 3:52

Senator William Armstrong
Senate Office Building
Washington, D.C. 20510

Dear Senator Armstrong:

Please accept my congratulations for addressing the important issue of maintaining Colorado wilderness by introducing S. 2916.

I add, however, my opinion that this bill does not adequately achieve a balanced approach to the protection of wilderness in the State of Colorado.

There are some areas that are missed in the bill, and that need protection.

I emphatically suggest that you add to the Forest Service's wilderness to the level that is provided for in House Compromise Bill H.R. 5426. To be included, in addition, would be the Oh-Be-Joyful, Fossil Ridge, Williams Rork, and South San Juan Expansion areas. This areas MUST be protected! The timber and mineral resources are to be proposed for protection under H.R. 5426, and are minimal, to say the least. I might point out that the Denver Water Board has already agreed to a boundary adjustment that would not conflict with the Williams Fork area's wilderness designation.

I would also recommend that acreage be increased, as wilderness, in:
Service Creek, Cannibal Plateau, Buffalo Peaks, Piedra,
St. Louis Peak, Davis Peak, West Needles/Seminuche, and Greenhorn Mountain areas.

The provisions in S. 2916 do not adequately follow the regulations set forth in the 1964 Wilderness Act, and opens wilderness areas to water development. The current provisions are not representative of current data available re: these areas, and are not acceptable.

Thank you for your consideration; I request that this letter be included in the hearing record on S. 2916.

Sincerely,

Mary McQuiston

Mary McQuiston
4331 Eldorado Springs Drive
Boulder, CO 80303

DATE ANS:---------DOC #:--------
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430 Mapleton Avenue
Boulder, Colorado 80302
September 12, 1984

1984 SEP 18 PM 3:21

Honorable William Armstrong
Hart Senate Office Building
Room 528
Washington, D.C. 20510

Dear Senator Armstrong:

I was pleased to hear of your introduction of S. 2916 Armstrong Colorado Wilderness Bill in the Senate last month. It will help to protect badly needed areas of unspoiled wilderness areas in our state. Information from the Wilderness Society, of which I am a member, however, indicates that yourbbill falls short of protecting a number of crucial areas from potential and probable development which will spoil their future possibility as wilderness. Specific areas which are excluded in your bill and which should be added are the Wheeler Geologic, Williams Fork, Oh Be Joyful, Fossil Ridge and the South San Juan Expansion, to be added as wilderness areas. I urge you also to adopt the boundary changes suggested by conservationists for the Sangre de Cristo, the Buffalo Peaks, Davis Peak and Service Creek areas. It seems to me also that your bill should be amended to retain the National Forest Service's right to assert reserved water right in the wilderness. This has been a strong protection for wilderness conservation in the past and should be continued.

As a twenty-seven year resident of Colorado I have seen the enormous growth of pressures on our public lands for use by citizens and visitors to the state. We must move quickly to preserve and conserve wilderness to assure the role of Colorado as a mecca for those seeking to find the recreational values so badly needed in today's stress-filled society. We all have a tremendous responsibility to future generations of Coloradans and Americans to preserve wilderness, with all the attendant values it signifies.

Thank you for your conservation efforts in the past. Youcan enrich your legacy of public service and concern by strengthening S. 2916 to add more acreage and to make the changes suggested by the organizations dedicated to preserving our wonderful natural heritage here in Colorado.

Please include this letter in the hearing record of S. 2916.

Yours truly,

Louis Tenenbaum
Louis Tenenbaum

cc: Hon. James McClure, Chairman
Senate Energy and Nat. Resources Comm.

September 10, 1984

1984 SEP 14 AM 11: 09

DATE ANS:__________DOC #:______
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[illegible]:____________________

Hon. William Armstrong
Hart Senate Office Bldg. - Room 528
Washington, DC 20510

Dear Senator Armstrong:

I respectfully urge that you enlarge your proposed wilderness bill by including Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the the South San Juan Expansion. These beautiful areas must not be sacrificed. I feel that this matter is very urgent, since I understand that if they are not designated as wilderness now, they will be open to the timber companies and oil and gas leases.

May I ask that this letter be included in the hearing record on S. 2916.

Please help beautiful Colorado!

Sincerely,

Lorraine Lane

Mrs. Lorraine Lane
3505 W. 39th Ave
Denver CO 80211

cc: Hon. James McClure

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1984 SEP 17 PM 4:20

L.S. Holsenbeck
4359 Winding Cir.
Colorado Springs, CO. 80917

Carla DeVaughn
431 Berckman Rd.
Augusta, GA. 30909

Dear Senator Armstrong,

The issue is S.2916. Why is your version of the bill 125,000 acres smaller than the House-passed, bipartisan compromise bill (H.R. 5426)?

Why does S.2916 eliminate the Forest's Service ability to assert a reserved water right in wilderness?

Why have you chosen to ignore more than 500,000 acres of Forest Service and BLM lands proposed by conservationists for protection ?

Why do you state that there is no particular need to pass this legislation now?

Have you not been to the areas in question?
Have you not seen our shrinking wilderness areas while taking a vacation in [illegible] our country?

Is it not time for our government "leaders" to represent the good of the citizens and protect this good by representing the many over these rich and greedy few who wish to continually develop and mine this land?

I also ask that this letter be included in the hearing record on S.2916.

Sincerely, concerned voters,

Carla DeVaughn
LS Holsenbeck

1984 SEP 14 AM 11:15

33 South Chase Drive
Lakewood, Colorado 80226
September 10, 1984

DATE ANS:________DOC #:______
AIDE:____________REC #:______
CAT:________________________

The Hon. William Armstrong
Hart Senate Office Building
Room 528
Washington, D. C. 20510

Re: Armstrong 1984 Colorado
Wilderness Act (S. 2916)

Dear Senator Armstrong:

I am writing to advise you that I am emphatically displeased with the contents of this bulletin from THE WILDERNESS SOCIETY of Denver, Colorado, of which I am a member. Certainly I would have expected a much greater effort on your part to protect Colorado's wilderness areas. Are you more interested in campaign funds than in preserving our wilderness areas? I hope not! If that's the case, you sure won't get my vote!

Sincerely yours,

Janet A. Thoits
Janet A. Thoits

P.S. I would like this letter included in the hearing record on S. 2916.

CC: The Hon. James McClure, Chairman
Senate Energy & Natural Resources Committee

THE DENVER POST CORPORATION

ARMSTRONG COLORADO WILDERNESS BILL SCHEDULED FOR SENATE COMMITTEE HEARING WEEK OF SEPTEMBER 9 -- YOUR LETTERS KEY TO FINAL ACTION IN 1984

Senator Bill Armstrong introduced his version of the 1984 Colorado Wilderness Act (S. 2916) on August 8. The bill calls for the addition of 443,000 acres of Forest Service and BLM lands, and 435,000 acres of National Parks wilderness to the National Wilderness Preservation System. While the conservation community is pleased that Senator Armstrong has finally acted on public demand for wilderness legislation, we are very disappointed with its meager Forest Service wilderness acreage, and with the inclusion of language which potentially opens all Colorado wilderness areas to water development. We have reached a crucial point in the battle for Colorado wilderness this year.

THIS IS WHAT YOU CAN DO

Senator Armstrong has said a number of times that his bill is only a "starting point" and that he is flexible and open to public opinion. This means it is essential that the senator be overwhelmed with letters expressing Coloradans' dissatisfaction with S. 2916 in its present form, and explaining that some important changes and additions must be made before it is acceptable.

1. Your letter should be written immediately -- for maximum effect, it should arrive in Washington, D.C., BY FRIDAY, SEPTEMBER 14, the week that hearings are scheduled in the Senate Energy & Natural Resources Committee.

2. Please send a copy of your letter to Senator Armstrong to the chairman of the committee, Senator James McClure. ASK HIM TO INCLUDE YOUR LETTER IN THE HEARING RECORD ON S. 2916.

3. It is equally important that other Coloradans know of our concerns with this bill. A letter to the editor of your local newspaper would greatly help. Also, pass this alert around to your friends and ask them to write letters, too.

CONSERVATIONISTS' CONCERNS WITH S. 2916

Outlined below are some of the key elements of S. 2916 which most concern wilderness advocates -- points which you may want to include in your letter to Senator Armstrong. If you are personally familiar with any of the areas, especially those not included in the bill, make a special effort to mention your support for their addition.

- Armstrong v. House-passed Bill: The Forest Service portion of Senator Armstrong's bill is 125,000 acres smaller than the House-passed, bipartisan compromise bill (H.R. 5426), which was agreed to by each of the congressmen with wilderness in his district. Urge the senator to improve his bill by:
    - adding Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan Expansion as wilderness;
    - adopting necessary conservationist boundary changes for the Sangre de Cristo, Buffalo Peaks, Davis Peak and Service Creek areas (see descriptions inside this alert).
- Reserved Water Rights: Particularly troublesome to conservationists is language in S. 2916 which eliminates the Forest Service's ability to assert a reserved water right in wilderness. This severely limits the agency's authority to protect water in wilderness, which means water projects would be easier to build. It also means that the Forest Service would lose its best tool for protecting the integrity of

stream flows and lake levels in our wilderness areas. And his bill retroactively covers all wilderness areas established in the state since the passage of the 1964 Wilderness Act. It is language that is categorically unacceptable to us.

- **Parks Wilderness:** Nearly half of S. 2916 acreage is national parks wilderness, where protection from industrial development (timber, minerals and other resource extraction) is virtually assured. In the meantime, Senator Armstrong has ignored more than 500,000 acres of Forest Service and BLM lands proposed by conservationists for protection, 300,000 acres proposed by Senator Hart, and nearly 125,000 acres contained in H.R. 5426. While parks wilderness is a good thing, it is neither controversial nor imminently threatened, and it diverts attention away from lands which must be protected by designation now or they will likely be lost to development in the next 10-15 years. We are pleased with these park wilderness additions, but not at the cost of sacrificing areas which are currently threatened.

- **Armstrong Must Move Now:** Senator Armstrong has stated that there is no particular need to pass this legislation this year, although he has now taken a step. A study we recently completed shows that nearly all of the areas under consideration -- especially those not in the Armstrong bill -- are seriously threatened by oil and gas lease applications, timber sale proposals and ORV use. If not designated now, they will probably be unnecessarily exploited by industry. Remind Senator Armstrong that existing and candidate wilderness areas -- nationwide -- contain less than 2.7% of undiscovered oil and 5.3% of potential gas, and that timbering in Colorado's forests last year cost the Forest Service 20 times more than it received in sales receipts -- while the demand for primitive recreation opportunities will outstrip the available supply by the year 2000.

YOUR LETTERS TO Senator Armstrong should be sent as soon as possible -- but no later than September 14 -- with copies to Senator McClure. Make as many of these points, or your own, as you feel appropriate. Be sure to ask that your letter is included in the hearing record on S. 2916.

The Hon. William Armstrong
Hart Senate Office Building
Room 528
Washington, D.C. 20510

The Hon. James McClure
Chairman, Senate Energy &
Natural Resources Committee
Dodd Senate Office Building
Room 360
Washington, D.C. 20510

After you've written your letter, please fill out this panel, tear it off, and return it to us, so we can keep you informed of developments on Colorado Wilderness in 1984. Or, call us at 388-5801, and we'll put your name on our activists' list.

NAME ______________________________ PHONE __________________

ADDRESS ______________________________ ZIP CODE ____________

____ I've written my letter to Senator Armstrong and sent a copy to Senator McClure; please keep me on your list to receive updates on this issue.

____ I've also written a letter to my local newspaper (indicate: ______________).

RETURN THIS PANEL TO:

THE WILDERNESS SOCIETY
1720 Race Street
Denver, Colorado 80206

THE KEY CHANGES/ADDITIONS TO STRENGTHEN S. 2916

SERVICE CREEK: Sen. Armstrong's proposal of 39,860 acres fails to include the headwaters of Silver and Service Creeks, leaving them vulnerable to degradation from timber cutting and soil erosion nearby, ultimately threatening the quality of the wilderness area downstream. The timber production potential of the area containing these headwaters is not nearly as significant as the recreation, wildlife and ecological values found there.

BUFFALO PEAKS: Sen. Armstrong's 36,000 acre proposal falls far short of the conservationists' 58,000 acre proposal, Sen. Hart's 57,000 acres -- or even the House bill's 46,000 acres. Critical bighorn sheep lambing areas in Davis Meadows and other bighorn habitat in Pony Creek are left out of S. 2916. Sen. Armstrong has argued that habitat manipulation, firewood collection and mineral claims recommend against wilderness designation. But, in fact, the Colorado Division of Wildlife strongly opposed these exclusions because of critical wildlife habitat and winter range.

CANNIBAL PLATEAU/POWDERHORN: While Sen. Armstrong includes the Powderhorn portion of these contiguous areas, he leaves out half of Cannibal, including Mesa Seco, an important research area strongly favored by scientists for designation. Leaving out the existing trail on the Plateau is a mistake because motorbike and snowmobile users will easily travel across the wilderness boundary on the open, level tundra.

GREENHORN MOUNTAIN: Urge Sen. Armstrong to reinclude the exclusion of the northern section up to Snowslide Trail. His argument that planned timber sales are in the works is weak -- Rep. Kogovsek contacted the USFS before his bill was introduced, and the sales are delayed until the resolution of the wilderness issue.

PIEDRA: The exclusion of 8,000 acres of critical river otter habitat contained in the areas near and including the Weminuche Creek is a serious omission.

DAVIS PEAK: Sen. Armstrong's 8,100 acre proposal ignores important additions to the Mt. Zirkel Wilderness, including the riparian meadows around Big Creek Lakes on the east, the low elevation parks and forests along the headwaters of the Encampment River to the north and west, and Hinman Canyon and the Dome Peak areas, both of which would add many new trails to the Mt. Zirkel Wilderness.

ST. LOUIS/VASQUEZ PEAKS: While his bill includes Vasquez Peak with the House boundaries, Sen. Armstrong excludes St. Louis, even though it forms a contiguous topographic boundary along a ridge with Vasquez. Urge him to add St. Louis -- its proximity to the Front Range cities makes it highly accessible for urban wilderness users.

WEST NEEDLES/WEMINUCHE ADDITIONS: Commend the senator for including Emerald Lake on the south (the House bill deleted it), but urge him to add all of Cascade Creek Canyon and the beaver ponds of Purgatory Flats.

SPRUCE CREEK: No problem here -- S. 2916 matches all other proposals.

FOSSIL RIDGE, SOUTH SAN JUAN EXPANSION, SPANISH PEAKS, WILLIAMS FORK AND LOST CREEK are all released to nonwilderness use in S. 2916. Sen. Armstrong's arguments include the Forest Service's recommendations against them for reasons of mineral and motorized recreation conflicts, and timber production potential -- and, in the Williams Fork, planned water diversions by the Denver Water Board. None of these arguments is legitimate: the Water Board agreed to a boundary change in the Williams Fork to allow for designation; Lost Creek's minerals are owned by the State, which wants to exchange them to protect the area's wilderness values; V-Rock and Montezuma Trail in the South San Juans have, according to expert opinion, LOW potential for mineral extraction and timber production, and the same holds true for Spanish Peaks; and Fossil Ridge provides important bighorn sheep and elk habitat, as well as an important opportunity for scientific study of acid rain and paleontological resources.

COLORADO'S PROPOSED WILDERNESS AREAS - AUGUST 1984*

Area	RARE II/BLM Roadless Area	Wilderness Study Acreage[1]	Reagan Admin. Recmd.	Conservationists' Recmd.	Compromise Bill H.R. 3436	Senate Bill 2032 (Hart) State of Colorado	Senate Bill 2916 (Armstrong)
Big Blue Additions	8,190	,900	1,303	3,310	0	1,303	Not Addressed
Buffalo Peaks	63,480	36,930	36,000	58,000	46,000	57,430	36,000
Cannibal Plateau/Powderhorn	116,180	88,130	50,911[2]	70,281	21,000 (Cannibal Only)	63,000	50,911
Davis Peak	107,610	8,100	8,100	48,800	18,000	23,340	8,100
Fossil Ridge	92,000	47,400	0	33,000	47,400-WSA	55,360	0
Greenhorn Mountain	37,700	22,330	22,330	23,130	20,000	22,330	21,000
Lost Creek	22,300	22,300	0	11,000	7,000	11,000	0
Oh-Be-Joyful	5,500	5,500	0	5,500	5,500	5,500	0
Piedra	114,200	61,500	61,500	49,100	37,000	49,100	41,500
St. Louis/Vasquez Peaks	37,230	23,400	12,400	24,160	24,160	24,160	12,400
Sangre de Cristo	300,350	221,000	190,300	236,000	235,000	248,000	190,300
Service Creek	66,100	39,940	39,860	56,000	40,500	30,430	39,860
So. San Juan Expansion	77,140	32,800	0	55,710	32,800-WSA	33,000	0
Spanish Peaks (Huajatolla)	42,000	19,570	0	19,570	18,000	19,230	0
Spruce Creek	8,000	8,000	8,000	8,000	8,000	8,000	8,000
West Needles/Weminuche Additions	63,090	26,300	28,350	33,000	30,000	33,000	28,700
Wheeler Geologic	38,910	11,300	0	25,000	18,000-WH	25,000	Not Addressed
Williams Fork	74,830	33,000	0	61,000	40,500	0	0
Sub-totals	1,213,880	738,670	443,805	874,151	385,000 18,000-WH 80,300-WSA	739,394	443,131

MRS. BLANCHE SHANNON ANGELL
421 SOUTH HOWES ST., APT. 508
FORT COLLINS, COLORADO 80521

DATE ANS:________ DOC #:______
AID:____________ REC #:______
CAT:_________________________

1984 SEP 14 PM 2:02

September 11, 1984

The Honorable William Armstrong
Hart Senate Office Building
Room 528
Washington, DC 20510

Re: S. 2196

Dear Senator Armstrong:

Though I am pleased that you have acted on public demand for wilderness legislation, I am disappointed with its meager Forest Service wilderness acreage and with the language which potentially opens all Colorado wilderness areas to water development. The Forest Service portion of the bill is 124,000 acres smaller than the House-passed, bipartisan compromise bill (H. R. 5426) which was agreed to by each of the Congressmen with wilderness in his district. I urge you to improve your bill by adding Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan Expansion as wilderness; and by adopting necessary conservationist boundary changes for the Sangre de Cristo, Buffalo Peaks, Davis Peak and Service Creek areas.

I object to the elimination of the Forest Service's ability to assert a reserved water right in wilderness. This severely limits the agency's authority to protect water in wilderness, which means water projects would be easier to build. It also means that the Forest Service would lose its best tool for protecting the integrity of stream flows and lake levels in our wilderness areas. I do not like the bill to retroactively cover all wilderness areas established in Colorado since the passage of the 1964 Wilderness Act.

More than 500,000 acres of Forest Service and BLM lands proposed by conservationists for protection has been ignored in S. 2196 as well as 300,000 acres proposed by Senator Hart and nearly 125,000 acres contained in H.R. 5426. While parks wilderness protection is a good thing, it is virtually assured and it diverts attention away from lands which must be protected by designation now or they will likely be lost to development in the next 10-15 years.

Nearly all of the areas under consideration (especially those not in S. 2196) are threatened by oil and gas lease applications, timber sale proposals and ORV use. If not designated now they will probably be exploited by industry. I am informed that existing and candidate wilderness areas nationwide contain less than 2.7% of undiscovered oil and 5.3% of potential gas, and that timbering in Colorado's forests last year cost the Forest Service 20 times more than it received in sales receipts; also that the demand for primitive recreation opportunities will outstrip the available supply by the year 2000.

Enclosed is list of key changes to strengthen S. 2916. Though compiled by the Wilderness Society it represents my opinions and wishes as though I had written it myself.

I ask that this letter be included in the hearing record on S. 2916.

Sincerely,

Blanche Shannon Angell

cc: Honorable James McClure, Chmn
Senate Energy & Natural Resources
Committee

2018 Tunis Circle
Fort Collins, CO 80526
September 11, 1984

The Honorable William Armstrong
Hart Senate Office Building
Room 528
Washington, DC 20510

Dear Senator Armstrong:

Re: S. 2196

Though you have acted on public demand for wilderness legislation, I am deeply concerned about the potential danger to a reserved water right in wilderness. Language in the bill indicates the Forest Service would have no ability to assert such a right. I urge you to improve the bill so that this danger would be eliminated.

It is my feeling also it would be good to include Oh Be Joyful, Fossil Ridge, Wheeler Geologic, Williams Fork and the South San Juan Expansion as wilderness, so that they would not be left open to non-wilderness use and specifically water diversions.

I would also urge inclusion of the Buffalo Peaks area in a significant amount to protect the bighorn sheep lambing areas in Davis Meadows. Wildlife habitat and winter ragne is critical and calls for wilderness designation.

In fact, all of the areas under consideration (and those not in S. 2196) are potentially threatened by industry, and such industry is not realy substantial compared by the demand for primitive recreation which grows yearly.

I ask that this letter be included in the hearing record on S. 2196.

Respectfully,

Jeanetta K Hodges

Jeanetta K. Hodges

cc: Honorable James McClure, Chmn.

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